

USDC SCAN INDEX SHEET



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3:99-CV-00659 KANG V. U LIM AMERICA INC

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\*OPPM.\*

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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11 **SOO CHEOL KANG**

12 **PLAINTIFF,**

13 **v.**

14 **U.LIM AMERICA, INC. a California**  
15 **corporation; TAE JIN YOON,**  
16 **and DOES 1 to 100**

17 **DEFENDANTS.**

CASE NO. 99CV0659 JM(RBB)

18 **PLAINTIFF'S OPPOSITION**  
19 **TO DEFENDANTS MOTION FOR**  
20 **SUMMARY JUDGMENT AND MOTION**  
21 **FOR SUMMARY ADJUDICATION OF**  
22 **CLAIMS**

23 **Date: February 28, 2000**

24 **Time: 10:30 a.m.**

25 **Room: 6**

26 **Judge: Hon. Jeffrey Miller**  
27  
28



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**BACKGROUND**

***General Introduction***

This case arises out of Soo Kang's employment by the defendant, U.Lim America, Inc. ("U.Lim America") and his long standing mistreatment by its Vice-President, Tae Jin Yoon. This mistreatment included verbal and physical abuse, including being forced to do jumping jacks as punishment, being repeatedly kicked, dragged by the ear, struck with metal rulers and other objects and being forced to work oppressive hours. This mistreatment was the result of Yoon's perverse sense of ethnic pride that Koreans were superior to Americans and Mexicans, and accordingly they were expected to work harder and endure harsher conditions and treatment than non-Koreans whom he considered to be lazy and irresponsible.

***Corporate Structure of the U.LIM Enterprises.***

The U.LIM family of corporations consists of three corporations. U.Lim Electronics Co. Ltd ("U.Lim Korea") is the parent company and is located in Korea. (Deposition of Tae Jin Yoon at 128:11-18 - EXHIBIT 1) U.LIM America is a California Corporation with its office/manufacturing facility being located in Tijuana, Mexico.<sup>1</sup> (Deposition of Jae Cho 11:18-12:7 - EXHIBIT 2) U.LIM Mexico is a Mexican Corporation which shares the same facility in Mexico. (Yoon 129:7) Both corporations are wholly owned by Ki Hwa Yoon ("Ki Hwa") who is also the Chief Executive Officer of both (Deposition of Ki Hwa Yoon 11:12-12:1 - EXHIBIT 3) His son, Tae Jin Yoon ("Yoon"), a named defendant, was and is the President of U.Lim Mexico and the Vice-President of U.Lim America. (Yoon 26:22-27:4)

U.Lim America is in the business of manufacturing electronic components. (Deposition of Kang 384:15 - EXHIBIT 4) U.Lim America buys all of its components from U.LIM Korea which is its sole supplier. (Yoon 142:14) U.Lim America then contracts with U.Lim Mexico to manufacture the products. (Yoon 154:17) The costs of manufacture (labor, utilities, etc) are then passed onto U.Lim America at cost plus a 1% surcharge (Yoon 157:20; 159:7). U.Lim America then sells the goods produced by U.Lim Mexico for a profit to its various customers. (Yoon 139:10) Accordingly, U.LIM America and U.LIM Mexico constitute a joint enterprise whose purpose is to manufacture and sell electronic components. (Yoon 139:4-17)

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<sup>1</sup> U.Lim America at all times relevant to this action had an office located at the home of Yoon located 605 Westview Court, Chula Vista, CA 91910.

1 Since its inception, *U.Lim America* has only employed persons of Korean national origin or ethnic  
 2 background (Yoon 143:24-144:4). U.Lim America employs the top ranking management personnel for both  
 3 corporations (Cho 140:12) and during the course of the plaintiff's employment it employed no more than  
 4 6 persons at a time. U.LIM Mexico, on the other hand, employees the bulk of the employees at the Tijuana  
 5 facility including all production employees and administrative staff. *All of U.Lim Mexico's employees are*  
 6 *of Mexican nationality or ethnic background.*<sup>2</sup> U.Lim Mexico has employed anywhere from approximately  
 7 50 persons to 150 during the course of plaintiff's employment. (Cho 50:5-11) Accordingly, the combined  
 8 enterprises of U.Lim America and U.Lim Mexico have employed approximately 56 to 156 employees during  
 9 the course of plaintiff's employment.

10 The employees of U.Lim America during the course of plaintiff's employment are as follows:

11	Ki Hwa Yoon:	Chief Executive Officer/President	1992-Present
	Tae Jin Yoon:	Vice-President	1992-Present
12	Jae Cho*:	Sales Manager/General Manager	1993-Present
	Soon Wan Park*:	Production/Quality Control Manager	April 1994-Present
13	Soo Kang*:	Purchasing/Warehousing Manager	April 1994-February 1998
	Teddy Back:	Assistant Purchasing Manager	November 1995-January 1996
14	Bowon Cheong:	Production Manager	September 1997-July 1999

15 \* Department head.

16 All of U.Lim America's managers held titles with U.Lim Mexico but were paid exclusively by  
 17 U.Lim America. (Cho 63:2-6; 142:3) U.Lim Mexico employed line leaders and supervisors only.<sup>3</sup> All of  
 18 U.Lim Mexico's supervisors were men although the majority of the workforce consists of women. (Park  
 19 294:17-295:14) All of the supervisors reported directly to the department heads at U.Lim America. (Cho  
 20 140:12)

## 21 ***Plaintiff's Citizenship***

22 Plaintiff obtained his U.S. Citizenship on February 4, 1994 and accordingly he has been a U.S.  
 23 Citizen at all times relevant to this action. (Kang 180:14)

## 24 ***Plaintiff's Employment***

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26 <sup>2</sup> Park and Yoon testified that all the employees were Mexican. (Deposition of Park 122:5 -  
 27 EXHIBIT 5; Yoon 145:4) Jae Cho testified that all the employees were Mexican except one. (Cho 141:10)

28 <sup>3</sup> Line leaders are beneath supervisors. All of the line leaders are women. (Park 294:4-295:14)

1 In April 1994, Yoon interviewed plaintiff for a possible job opening at U.Lim America. (Kang  
 2 185:22-186:1) The initial interview took place at San Diego in California. (Kang 201:12-16). The plaintiff  
 3 was offered a position at that time (Kang 205:1-4). At a subsequent meeting, Yoon Informed plaintiff that  
 4 his job would entail purchasing duties (Kang 226:8) and that the regular work hours were 7:30 a.m.-5:30  
 5 p.m., Monday through Friday (Kang 224:18-20). He was also told he would be paid \$2,000.00 per month  
 6 to start at the first interview (Kang 205:1-4). Then Yoon informed him at the second interview that his salary  
 7 was going to be \$1,700.00 per month for 3 months. (Kang 223:2-10)

8 On April 15, 1994, Mr. Kang began his employment with defendant, U.Lim America, Inc. (Kang  
 9 205:1-4) For approximately the first month his work hours were generally in keeping with those represented  
 10 to him by Yoon. (Kang 241:1-12) However, that period was short lived (Kang 248:17-19) With each month  
 11 that passed his work hours were steadily increased. (Kang 248:20-21) By approximately April 1995, the  
 12 plaintiff was regularly working until 8:00 p.m. every night and frequently was working to 10:00 p.m.  
 13 (Cheong 12:20) and even until 1-2 in the morning. (Kang 265:7-22) On several occasions he was even  
 14 required to work through the night (Kang 265:23). On one occasion, he spent three days in a row at the  
 15 facility, sleeping over two nights in a row (Kang 266:12-17). This was made even worse by the fact that all  
 16 the employees of U.Lim America lived in the United States including plaintiff (Kang 179:21-22). This  
 17 necessitated a border crossing each and every day. Not only did the hours increase dramatically but the  
 18 plaintiff was soon forced to work approximately 40 Saturdays for first year (Kang 274:24). He was also  
 19 forced to work approximately 25 Sundays a year as well (Kang 274:22).

20 ***Physical and Verbal Abuse'***

21 Yoon would often recount his days working for U.LIM Korea and how harshly his father treated him  
 22 (Kang 375:2-6) Accordingly, he believed that this was simply part of the proper training of an employee  
 23 (Kang 375:6-11) In essence, he ran the office like a military boot camp where verbal and physical abuse  
 24 were considered part of the training and the prerogative of the employer (Deposition of Teddy Beak 68:22-  
 25

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26 <sup>4</sup> The physical and verbal abuse of plaintiff is set forth in great detail in the declaration of Raul  
 27 Carillo. [EXHIBIT 7] Presently, the plaintiff has an Ex Parte Application on file with Magistrate Brooks  
 28 seeking sanctions against the defendants for obstructing the deposition of Raul Carillo. [The application is  
 attached as EXHIBIT 8].

69:4 - EXHIBIT 6). This backdrop was designed to justify his mistreatment of the employees. Consequently, as he became more comfortable with his position running U.Lim, he increasingly became more belligerent with his employees and more demanding (Kang 354:15, 249:2-7). This was particularly true with respect to his treatment of Soon Wan Park ("Park") and the plaintiff<sup>5</sup> (Kang 757:25-758:2-6).

As a general matter, Yoon would conduct daily meetings between him and all of his department heads (Yoon 236:12-23). At these meetings, each department head would report to him orally and in writing regarding the previous days activities of each of their respective departments. (Yoon 238:21-239:4) He would yell at the department heads, swear at them and otherwise ridicule them. (Cho 81:23; Kang 341:23-342:3, 344:4, 346:11-14) In the beginning, his conduct was limited to yelling, swearing and demonstrative throwing of reports and report files (Kang 346:11-23, 359:11-21, 381:11-17). However, Yoon soon graduated to physical abuse. He would frequently throw the reports and/or the report files at his department heads while ridiculing there performance in the harshest terms. He would call them "cripples", "stupid", "assholes", "sons of bitches" and "sons of vagina" and other epithets. (Kang 682:17-19, 752:1-13; Park 246:17, 250:1-12, 282:8). Gradually, he starting kicking Park and plaintiff (Kang 310:1-9). Then he began hitting Park and plaintiff with a metal ruler. (Kang 361:4-19; Carillo par5; Baek 49:14-18) He would hit them on the top of their heads with the sharp edge and he did this repeatedly throughout plaintiff's employment. (Kang 361:23-362:24; Carillo par5; Baek 49:5-7). He also began to throw objects at Park and plaintiff and did so repeatedly (Carillo par6; Baek 48:5-10). On one occasion he threw a crystal ashtray at Park which hit him in the forehead and caused him to bleed (Carillo par6; Baek 48:21-49:6). He frequently would grab plaintiff by the ear and drag him through the office (Kang 320:21-321:23; Baek 58:1-8; Carillo par9). This happened numerous times. He would also force plaintiff to do a type of squatting jumping jack while holding his ears as punishment. (Kang 669:21-670:7; Baek 59:17-24; Deposition of Bowon Cheong 29:12 - EXHIBIT 9)

This physical abuse was also combined with extreme verbal abuse as previously noted, but it would

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<sup>5</sup> Cho did not receive the same harsh treatment because as the sales manager he was in a better position to concretely add to the profitability of U.Lim America while at the same time he had little to no management duties and was not responsible for any of the inevitable day to day problems which occur with production. (Cho 83:8-12)

1 also include having to stand, sometimes more than an hour at a time, while he berated them. (Carillo par8;  
 2 Kang 404:10-17, 837:12-19; Cheong 23:17-19) They were not allowed to look him in the eye when he was  
 3 doing this. In all, both plaintiff and Park and to a lesser extent Cho were treated as his serfs and accordingly  
 4 he felt that he was free to treat them, however, he felt.<sup>6</sup>

#### 5 ***Discrimination***

6 Unlike most discrimination cases, plaintiff was discriminated against not because he was looked  
 7 down upon for being a certain ethnic background, but rather because he was considered superior because of  
 8 his shared ethnic background with his employer (Kang 693:18-21). Fundamentally, the U.LIM enterprises  
 9 considered Koreans to be superior to other races and in particular Mexicans and Americans. (Kang 698:15-  
 10 20) It was because of this ethnic pride that the plaintiff was forced to endure treatment which was never  
 11 visited upon the non-Korean employees. (Carillo par4, par13; Baek 35:24-36:1; Cheong 42:18-21) It was  
 12 expected that because he was Korean he would tolerate longer working hours and harsher treatment including  
 13 physical abuse. (Kang 280:16, 345:12-21). Fundamentally, Koreans were viewed as superior to Mexicans  
 14 and Americans(non-koreans) and accordingly plaintiff was treated differently and repeatedly told not to be  
 15 like lazy Americans and Mexicans [Kang 695:19-696:1, 697:14-19, 698:15-20].

#### 16 ***Termination***

17 Eventually plaintiff began to realize that his employment situation was intolerable and that the  
 18 situation was not likely to improve, and that Yoon would never reward him as he promised [Kang 541:18-  
 19 23]. Consequently, in December of 1997 plaintiff made a conscious decision that he was not going to work  
 20 anymore overtime *unless* it was necessary [Kang 544:1-20]. He had previously suggested to Yoon that the  
 21 department heads should be able to rotate the overtime hours because it was not necessary that all the  
 22 department heads be present while the production lines were running. (Yoon 211:22-212:1) Yoon, however,  
 23 refused to change the policy of having all the managers present during production regardless of whether or  
 24 not they had work to do. (Kang 574:4-25)

25 On February 2, 1998, Yoon confronted plaintiff with his failure to work the required overtime hours

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26  
 27 <sup>6</sup> Beak described Park, Cho and Kang as "working as if they're not exactly human beings.  
 28 The were working like robots. (Beak 68:8-17) Cheong simply described Yoon as a "Tyrant". (Cheong  
 39:19)

[Kang 573:25-574:6]. Plaintiff again suggested that the department heads rotate overtime hours but he would not work when it was not necessary or he had no work to do (Kang 574:23-25). Yoon indicated that it saddened him but if the plaintiff would not work the overtime hours required he had to let him go [Kang 574:23-25]. This was plaintiff's last day of employment.

## ARGUMENT

### I. The Standard for Summary Judgment

Summary Judgment is appropriate only if "there is no genuine issue of material fact" and the "moving party is entitled to a judgment as a matter of law." F.R.C.P. §56. The U.S. Supreme Court in Anderson v. Liberty Lobby, Inc. (1986) 477 U.S. 242, 249-255, illustrated this standard as follows:

"The judge's function is not himself to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial . . . Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions."

As stated by the court in Biljac Associates v. First Interstate Bank (1990) 218 Cal.App.3d 1410:

Summary judgment is a drastic measure which should be used with caution so that it does not become a substitute for trial. Affidavits of the moving party are strictly construed and those of the opponent liberally construed, with doubts as to the propriety of granting the motion resolved in favor of the opposing party.

Biljac, at 1420.

Accordingly, on summary judgment, "the inferences to be drawn from the underlying facts ... must be viewed in the light most favorable to the party opposing the motion." Id. at 1425. Any doubt as to the existence of any issue of material fact requires denial of the motion. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255, 106 S.Ct. 2505, 2513-14)

Although the summary judgment rule does not state any different requirement for opposing affidavits than for the movant's affidavits, the papers supporting the movant will be closely scrutinized, whereas the opponent's will be indulgently treated.

U. S. for Use and Benefit of Austin v. Western Elec. Co., 337 F.2d 568

### II. Breach of Contract

#### A. Plaintiff had an Implied "Just Cause" Employment Contract

Plaintiff in fact had a reasonable expectation that he would only be terminated for just cause. He had worked for the company for four years and was one of three department heads for a company of approximately 156 employees at the time of his termination. Repeatedly through out the plaintiff's



1 employment, Yoon had indicated to him that he would never be fired. Moreover, a general policy of not  
 2 terminating employees at U.Lim had been established by Yoon and Ki Hwa. The non-termination policy  
 3 was first stated by Ki Hwa in reference to whether or not Raul Carillo had been fired by U.Lim and he stated  
 4 as follows: "Yes, yes. I instructed China and our company don't fire anybody, don't terminate  
 5 anybody." (Ki Hwa 83:12) Several times Ki Hwa reiterate his policy. "I instructed including China our  
 6 company will not terminate anyone." (Ki Hwa 83:21) "I don't think there is any bad person. If you teach  
 7 them, if you train them, they are okay." Then Ki Hwa confirmed that he instructed the head of each of his  
 8 companies not to terminate the employees.<sup>7</sup> (Ki Hwa 84:3-11).

9 This general policy of non-termination was not only set forth by U.Lim America's CEO but also by  
 10 its president, Yoon. On Various occasions Yoon promised plaintiff that he would never be fired. "For certain  
 11 kind of people, I would not fire him if things go wrong and perform that duty to make mistake, anything goes  
 12 wrong. But for you, I'm going to take you to the end." (Kang 303: 7). "You and Soon Wan Park are the kind  
 13 of people that I will never fire or -- even if you make a mistake, you stay with me." (Kang 305: 2-4).

14 The hours demanded of him indicated his worth to U.Lim. He was regularly assured that he was  
 15 being trained and developed for long-term employment. (Kang 357:8-19). Ki-Hwa Yoon even referred to  
 16 Plaintiff as his "favorite" employee. (Ki Hwa 51:24). Even Yoon said he never considered terminating the  
 17 plaintiff and he felt that each of his department heads performed their job well. (Yoon 294:24-295:1).

18 *Pugh v. See's Candies, Inc.*, (1981) 116 Cal. App.3d 311 set forth the factors to be weighed in  
 19 determining the existence of an implied promise not to terminate except for just cause. They are as follows:  
 20 duration of employment; commendations and promotions; apparent lack of any direct criticism of work; the  
 21 assurances that if one was loyal and did a good job their future was secure and defendants practice of not  
 22 terminating personnel except for good cause. And as noted by the court in Pughes, "an agreement may be  
 23 shown by the acts and conduct of the parties, interpreted in the light of the subject matter and of the  
 24 surrounding circumstances." *Id.* at 455.

25  
 26 <sup>7</sup> After Ki Hwa had expressly set forth U.Lim's policy regarding termination, defense counsel  
 27 removed him from the deposition, while a question was pending and under the pretense that Ki Hwa did not  
 28 understand the translation of the entire line of inquiry, and returned with him 12 minutes later to have his  
 client clarify that he had only instructed his companies to "love" their employees. (Ki Hwa 86:13-16).



1 In the instant case, there was direct testimony that U.Lim had a policy of non-termination and that  
 2 with the exception of the duration of employment, the plaintiff has met all the other factors for determining  
 3 the existence of an implied promise not to terminate except for just cause. The jury is entitled to weigh the  
 4 intent and conduct of the parties to determine whether or not U.Lim America impliedly or expressly promise  
 5 not to terminate plaintiff except for just cause.

6 **1. Plaintiff was Not Terminated for "Just Cause"**

7 Defendant's have assumed arguenda that Plaintiff was terminated, but in so doing they are unable  
 8 to articulate a reason for Plaintiff's termination which would constitute just cause. Any reason articulated  
 9 for Plaintiff's termination is mere speculation of the part of defense counsel as Yoon has unequivocally  
 10 stated that Plaintiff was not terminated (Yoon 69:4-7). Moreover, the pretextual reason offered by defense  
 11 counsel that he was terminated because he refused to work overtime also fails because Yoon states that  
 12 overtime was not an issue when plaintiff was fired and/or quit.<sup>8</sup> (Yoon 69:16).

13 Yoon stated that he never considered terminating plaintiff and that all of the department heads,  
 14 including plaintiff performed their jobs well (Yoon 294:18-295:1). But, Yoon goes further than that to  
 15 discredit the idea that the plaintiff was fired for not working the necessary overtime. He notes that the  
 16 overtime issue was only raised once between him and the plaintiff and that when it was raised the plaintiff  
 17 suggested the possibility of rotating department heads during overtime hours (Yoon 214:10-17). Yoon noted  
 18 that when this idea was raised all the departments heads were working during the operation of the production  
 19 line hours (Yoon 211:22-212:2). Yoon indicated that the idea was acceptable to him if the department heads  
 20 agreed [Yoon 211:7-9]. Accordingly, Yoon has both substantiated that the department heads were working  
 21 hours that were generally unnecessary in so far as he agreed that rotating was an acceptable solution and that  
 22 he did not have any problems with it. *Id.* Notably, the Mexican supervisors were already using a rotation  
 23 system. Yoon himself testified that he had a lesser expectation that the plaintiff would have to work the  
 24 production overtime hours if he had taken care of materials or supplies for the production line during the

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25  
 26 <sup>8</sup> Yoon claims that the only issue raised in this final conversation was a demand by plaintiff  
 27 that he should fire Cho. Yoon claims that he told plaintiff to try to work out his problems with Cho and the  
 28 plaintiff agreed. No other issues were discussed. (Yoon 68:15-69:2). Notably, Yoon claims to have no idea  
 about any previous problems between Cho and plaintiff and claims they worked well together. (Yoon 71:24-  
 72:2). Two pages later he claims that Kang asked him to fire Cho 5-6 times before. (Yoon 74:23).

1 week [Yoon 209:21-210:10]. Notably, plaintiff suggested this very solution to Cho previously. (Kang 532:18-534:2).

3 Then where does the pretext of firing plaintiff for his failure to work the necessary overtime come  
4 from? It comes solely from plaintiff's testimony that Yoon told him that if he did not work overtime, he was  
5 fired. However, plaintiff also contends that it was never an issue of whether he would work overtime hours  
6 but whether he would be forced to work when it was *unnecessary*. (Kang 540:24-541:23). Defense counsel  
7 had made an assertion that plaintiff failed to work the necessary hours during a time when U.Iim had rush  
8 orders from a major customer, LG Enterprises. However, this is conjecture based on counsel loose  
9 association of the plaintiff reducing his overtime hours toward the end of his employment and the LG order.  
10 Cho specifically states that the plaintiff's hours increased in December of 1998 because of a huge order of  
11 P.O.s and that he, Park and the plaintiff had to stay longer to deliver these products. *Cho* at 221-222.  
12 Plaintiff also confirms this fact. (Kang 515:10). Notably, both plaintiff and Cho indicate that the plaintiff  
13 stopped working overtime hours in the second half of January 1998. (Cho 223; Kang 519:16-17).<sup>9</sup>

14 There was no "just cause" for the plaintiff's termination. Defense counsel's attempts to articulate  
15 a "just cause" reason for termination, constitute mere speculation and do not sufficiently evidence  
16 termination for a "fair and honest cause or reason, regulated by good faith" (See, MSJ at Page 12, quoting  
17 *Pugh v. See's Candies, Inc.* \*\*) since such speculation is unsupported by the testimony of the defendants.

18 **B. Even if Plaintiff's Employment was "At Will" his breach of contract action is viable**

19 Assuming arguendo that Kang's employment contract was terminable "at will", the fact that a  
20 contract for employment is at-will does not mean that a breach of its terms of employment is not actionable.  
21 Defendants wholly fail to address the following:

- 22 a) Plaintiff was physically struck on a regular basis and otherwise suffered  
23 a hostile, discriminatory working environment: (Kang 362:20-24).
- 24 b) The work hours of the position were misrepresented to plaintiff: (Kang 224:18-23).

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25  
26 <sup>9</sup> Defense counsel is using Cheong's testimony that the plaintiff did not work overtime hours  
27 in December. However, Cheong was not at the facility from December 19, 1999 to January 11, 1998.  
28 (Cheong 20:4-18). Notably, Cheong did state that when Kang had to make deliveries he went and that he  
heard from Park that the plaintiff made several deliveries during January, even on Sunday. (Cheong 33:20).

1 c) Plaintiff was promised profit-sharing which was not paid; (Kang 250:7-14).

2 d) Plaintiff was promised performance bonuses which, while motivating him  
3 to continue working under the employment contract, were illusory in that  
4 they were intentionally set at non-achievable levels. (Park 289:20-23,  
5 291:15-24).

6 Each of these acts is in itself a breach of the employment contract.

7 Defendants' contention that Plaintiff cannot claim that conformance with the laws and policies of  
8 California and the United States were terms of his employment contract is incorrect. Every contract of  
9 employment incorporates these terms by operation of law. This was found in *Lockheed Aircraft Corp. v.*  
10 *Superior Court*, wherein defendant employer was sued for breach of contract by his employees for interfering  
11 with their freedom of political activity in violation of Labor Code §1101 et seq:

12 A violation of section 1101 is made a misdemeanor by section 1103, and defendant contends  
13 the statute is therefore penal in character and does not create any civil right of action. This  
14 argument ignores section 1105 which provides that 'Nothing in this chapter shall prevent the  
15 injured employee from recovering damages from his employer for injury suffered through  
16 a violation of this chapter.' The contract of employment must be held to have been made  
17 in the light of, and to have incorporated, the provisions of existing law. *Stockton Sav. &  
18 Loan Bank v. Massanet*, [citation]. Hence, upon violation of the section, an employee has  
19 a right of action for damages for breach of his employment contract.

20 *Lockheed Aircraft Corp. v. Superior Court* 28 Cal.2d 481, 486 (1946)

21 Accordingly, every unlawful act alleged against defendants is also a breach of Plaintiff's contract  
22 of employment in conjunction with those breaches arising out of the misrepresentations made to plaintiff  
23 concerning the terms of his hours and compensation. Additionally, it is important to note with respect to the  
24 battery and other unlawful acts that Plaintiff would not have been subjected to this treatment had he not been  
25 engaged in the performance of his duties thereunder. His efforts to perform under the agreement subjected  
26 him to those acts. Accordingly, these acts, which in another context would simply be torts, indeed arise out  
27 of the Plaintiff's contractual relationship and are actionable as breaches thereof.

### 28 **III. Breach of the Covenant of Good Faith and Fair Dealing**

This cause of action is dependent on a finding by the fact finder as to whether or not an implied "just  
cause" employment contract existed. If such a contract existed, then the action is viable under *Foley v.*  
*Interactive Data Corp.* 47 Cal.3d 654 (1988). If it did not then the cause of action fails. For the reasons set  
forth in the previous sections, plaintiff believes that a genuine issue of material fact exists as to whether or  
not the plaintiff had an implied "just cause" employment contracts with U.Lim America.

1 **IV. The Statute of Limitations**

2 Defendants have argued that the plaintiff's cause of action for Termination in Violation of Public  
3 Policy is barred by the applicable one year statute of limitations. They are in error and have failed to address  
4 the fact that the notices provided them by EEOC and FEHA toll the wrongful termination action.

5 **A. Equitable Tolling**

6 Plaintiff's claim for wrongful termination in violation of public policy was equitably tolled during  
7 the proceedings before the EEOC and Department of Fair Employment and Housing ("DFEH").

8 **1. Administrative Proceedings Procedural Background**

9 Plaintiff submitted his FEHA complaint to the DFEH on September 23, 1998. [See, FEHA  
10 Complaint - EXHIBIT 10]. Plaintiff's "Right to Sue" letter regarding his FEHA Claim was issued by the  
11 Department on October 20, 1998. [FEHA Right to Sue Letter - EXHIBIT 11]. Plaintiff next submitted his  
12 EEOC complaint to the Commission on November 13, 1998. [EEOC Complaint - EXHIBIT 12] The  
13 Commission issued his "Right to Sue" letter regarding his Title VII claim on November 20, 1998 [EEOC  
14 Right to Sue Letter - EXHIBIT 13 ]. Plaintiff was required by law to have submitted his claims to these  
15 administrative agencies prior to filing suit. From start to finish, 34 days transpired between the time plaintiff  
16 submitted his claims to these agencies and the time he received his right to sue letters. (27 days for FEHA  
17 and 7 days for the EEOC).

18 **B. Notices of Claims Received by Defendants**

19 Defendants were issued notices of Plaintiff having filed from DFEH on October 20, 1998 [DFEH  
20 Notice - EXHIBIT 14] and the EEOC on November 13, 1998. [EEOC Notice - EXHIBIT 15] Each of these  
21 notices clearly indicate the acts complained of which underlie Plaintiff's claim for wrongful termination in  
22 contravention of public policy. Specifically, the claims indicated that (1) the Plaintiff was discriminated  
23 against on the basis of his race/nationality; (2) that he suffered a hostile work environment in which he was  
24 verbally and physically abused and (3) that this was part of an ongoing pattern of conduct. Furthermore, the  
25 FEHA notice clearly indicates that Plaintiff has requested the right to sue.

26 **1. Defendants Benefitted by the Advanced Administrative Notice**

27 Defendants were given notice of Plaintiff's intent to sue them for discrimination and abusive  
28 workplace practices first on October 20, 1998 by the DFEH, and once again on November 13, 1998 by the

1 EEOC. This was more than three months prior to the expiration of the statute of limitations on the wrongful  
 2 termination cause of action. The first (DFEH) notice included a copy of Plaintiff's FEHA complaint which  
 3 clearly states that Plaintiff was fired by Tae Jin Yoon because of Plaintiff's refusal to work more than 100  
 4 hours per week, and that Plaintiff believed the real reason he was fired was because Plaintiff, in addition to  
 5 refusing to work those onerous hours, would not tolerate being physically and verbally abused because of  
 6 their shared Korean heritage. The EEOC complaint attached to their notice letter states the same facts. The  
 7 FEHA notice, furthermore, explicitly states that Plaintiff had requested an authorization to file a lawsuit  
 8 against defendants. The complaints were mailed via certified mail to U.I.m America and were signed for  
 9 by Yoo Sik Yoon (Tae Jin Yoon's brother), and the person who replaced Plaintiff at his position as  
 10 Purchasing and Warehouse Manager.

11 Defendants were given the opportunity to marshal their evidence and prepare a defense to this cause  
 12 of action as early as October 20, 1998, more than three months before the one-year statute would have  
 13 normally expired. Accordingly, they cannot claim in good faith that they have suffered any prejudice with  
 14 respect to their defense of this claim, particularly where the complaint was actually filed only 14 days after  
 15 the one year statute would have normally expired.

### 16 C. *The Standard for Equitable Tolling*

17 California's standard for the application of equitable tolling was addressed by the Ninth Circuit in  
 18 the case of *Cervantes v. City of San Diego* (1993 9th Cir. SD CA) 5 F3d 1273. In that case, the Plaintiff had  
 19 been terminated from his job after being arrested. After spending some 11 months pursuing administrative  
 20 remedies for reinstatement, Plaintiff filed an action under 42 U.S.C. §1983 for violation of his civil rights  
 21 by the arresting officers. As California's one-year statute of limitations for personal injury applies to  
 22 Terminations in Violation of Public Policy, this cause would have been time-barred were it not equitably  
 23 tolled. Noting first that the Ninth Circuit borrows its rules for equitable tolling from the forum state, the  
 24 Court of Appeals found that:

25 California courts "have liberally applied tolling rules or their functional equivalents to  
 26 situations in which the plaintiff has satisfied the notification purpose of a limitations  
 27 statute." [citation] Consistent with this tradition, the doctrine of equitable tolling rests upon  
 28 the reasoning that a claim should not be barred "unless the defendant would be unfairly  
 prejudiced if the plaintiff were allowed to proceed." [citation] Under California law,  
 equitable tolling "reliev[es] plaintiff from the bar of a limitations statute when, possessing  
 several legal remedies he, reasonably and in good faith, pursues one designed to lessen the

1 extent of his injuries or damage." [citation]

2 To this end, California courts have developed a "definitive three- pronged test for invocation  
 3 of the doctrine" of equitable tolling. [citation] A plaintiff's pursuit of a remedy in another  
 4 forum equitably tolls the limitations period if the plaintiff's actions satisfy these factors: 1)  
 5 timely notice to the defendants in filing the first claim; 2) lack of prejudice to the  
 6 defendants in gathering evidence for the second claim; and 3) good faith and reasonable  
 7 conduct in filing the second claim. [Citation] The doctrine of equitable tolling focuses on  
 8 the effect of the prior claim in warning the defendants in the subsequent claim of the need  
 9 to prepare a defense.

10 *Cervantes* at 1275 [emphasis added]

11 This holds true even where the second action (sought to be tolled) could have been pursued separate  
 12 from the others, such as a personal injury case in which a worker's compensation claim may also be brought.  
 13 This situation was addressed in *Elkins v. Derby* (1974) 12 Cal.3d 410. In that case, the Plaintiff was attacked  
 14 by a performing timber wolf on the job. He pursued his remedies through worker's compensation then, after  
 15 it was found he could not recover under worker's compensation, he filed a personal injury suit after the one-  
 16 year statute of limitations would have expired. Defendants therein argued that because the personal injury  
 17 suit could have been filed regardless of the pendency of the worker's compensation action, defendant could  
 18 not claim the suit was equitably tolled. The California Supreme Court disagreed, holding that the statute of  
 19 limitations for the personal injury suit would be equitably tolled:

20 [R]egardless of whether the exhaustion of one remedy is a prerequisite to the pursuit of  
 21 another, if the defendant is not prejudiced thereby, the running of the limitations period is  
 22 tolled '(w)hen an injured person has several legal remedies and, reasonably and in good  
 23 faith, pursues one.'

24 Defendants in that case then argued that they had been prejudiced in their defense of the personal  
 25 injury action because the institution of worker's compensation proceedings would not have alerted them to  
 26 the need to collect evidence regarding fault and negligence. The Supreme Court was found that this was not  
 27 sufficiently prejudicial to deny Plaintiff equitable tolling:

28 To be sure, an employer notified of a compensation claim may fail to gather evidence of  
 fault, and such evidence could prove critical in a subsequent tort action. [citation] The  
 likelihood, however, that the employer will suffer prejudice if the compensation claimant  
 files a tort action more than one year after the date of injury is minimal. After the filing of  
 a compensation claim, the employer can identify and locate persons with knowledge of the  
 events or circumstances causing the injury. By doing so, he takes the critical steps necessary  
 to preserve evidence respecting fault. Although he may choose not to gather evidence  
 bearing on fault from these parties when faced only with a compensation claim, he will be  
 able in most instances to recontact these people, particularly if they are continuing  
 employees, for further evidentiary contributions should a controversy as to fault later arise  
 in a tort action.

1 *Elkins*, supra, at 418.

2 Based on the foregoing, the plaintiff's cause for Termination in Violation of Public Policy is clearly  
3 tolled for the 14 days in question, as it meets the standard set forth below under the Three Prong Test.

4 **1. Pursuit of an Alternate Administrative Remedy tolls the Statute**

5 The California Supreme Court has further held that the pursuit of alternate administrative remedies  
6 tolls the statute of limitations even where no exhaustion of administrative remedies is necessary to the  
7 prosecution of the plaintiff's claims (See, *Campbell v. Graham-Armstrong* (1973) 9 Cal.3d 482 at \*\*),

8 By contrast, Plaintiff herein was absolutely required to submit his claims to administrative  
9 proceedings or be denied his civil rights-related remedies. The wrongful acts which underlay the civil rights  
10 claims were the selfsame acts giving rise to Plaintiff's wrongful termination claim, and the gravamen of that  
11 claim was that he was discriminated against.

12 **2. Plaintiff meets the Three-Pronged Test for Equitable Tolling**

13 Pursuant to the Three-Pronged test set forth in *Cervantes*, the plaintiff's cause of action for  
14 Termination in Violation of Public Policy is tolled.

15 *Timely Notice to the Defendants in Filing the First Claim:* As stated above, Defendants first  
16 received notice of the administrative claims more than three months (October 20, 1998) prior to the time on  
17 which the statute of limitations for Plaintiff's wrongful termination claim would have expired. As such,  
18 notice was timely.

19 *Lack of Prejudice to the Defendants in Gathering Evidence:* Both notices clearly state Plaintiff had  
20 sought authorization to file suit against U.Lim for firing him because he would not tolerate their racial  
21 discrimination, outrageous working hours, hostile work environment, and verbal and physical abuse. These  
22 notices state the prima facie case for plaintiff's claim for wrongful termination in contravention of public  
23 policy and as such provided U.Lim with sufficient notice to begin gathering evidence.

24 *Good Faith and Reasonable Conduct in Filing the Second Claim:* It clearly would have made no  
25 sense for Plaintiff to have filed two separate actions when the operative facts were so intertwined. The  
26 defendants were provided with notice of the claims at issue and a single complaint was filed incorporating  
27 these claims. Plaintiff filed his suit only 14 days after the statute of limitations would have normally run if  
28 his pursuit of the administrative remedies had not tolled the statute. In fact, he could have filed suit as late



as October 20, 1999, under FEHA which allows a claimant to file suit up to one year after the right-to-sue letter is issued. Had Plaintiff sought to inflict prejudice upon defendants, he would not have filed so promptly. Plaintiff clearly acted in good faith and the statute is equitably tolled for the 14 days at issue.

**V. Title VII - U.LIM America/Mexico is a Joint Enterprise**

U.Lim America and U.Lim Mexico are "Integrated Enterprises" under Title VII and collectively have more than the required 15 Employees. U.Lim's attempt to avail itself of this defense is wholly transparent. Defendants are well aware that the purpose of the limitation was to spare small employers the costs attendant with civil rights litigation. [Citation - MILLER/?] U.Lim America is hardly a "small employer".

U.Lim America completely controls and shares the same facility with U. Lim Mexico which has employed no fewer than 50-150 people over the course of Plaintiff's employment with U.Lim. (Cho 50:3-11) U.Lim Mexico's only customer is U.Lim America and all of U.Lim Mexico's supervisors report directly to U.Lim America's department heads. (Yoon 139:4; Cho 140:12-16) U.Lim America's managers had the authority to hire or fire U.Lim Mexico employees. (Park 217:5) U.Lim America's managers all have an identical title at U.Lim Mexico (Cho 63:2-6), save Yoon who is President of U.Lim Mexico and Vice-President of U.Lim America. U.Lim Mexico also passes all of its production costs onto U.Lim America at cost, save a 1% surcharge, and thereby transfers all of its would be profit to U.Lim America (Yoon 154:17) which has posted gross sales of 2.5 to 8 million dollars during the course of plaintiff's employment.<sup>10</sup> (Cho 27:10) Furthermore, both U.Lim companies are owned and controlled by the same person, Ki Hwa. (Ki Hwa 11:8-12:1; 90:9) Accordingly, the employees of U.Lim Mexico, who are nothing more than the labor pool for U.Lim America, must be counted against the 15 employee limit.

The federal courts have developed a test, derived from federal labor case law, to determine whether two corporations should be considered a single employer for Title VII purposes. Commonly called the "integrated enterprise" test, it has four factors: (1) interrelation of operations, (2) common management, (3) centralized control of labor relations, and (4) common ownership or financial control. [citations] This test is designed to further Congress's intent that Title VII be construed liberally, including its definition of the term

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<sup>10</sup> The purpose of this 1% surcharge is to generate a minimal profit for U.Lim Mexico so that U.Lim Mexico can comply with Mexican Law which requires that its employees be paid profit sharing. It essentially allows U.Lim Mexico not to pay profit sharing and to transfer all the profits to U.Lim America which is not subject to a legally mandated profit sharing program. (Yoon 169:4-170:9)



1 "employer." [(#) added for emphasis]

2 *Laird v. Capitol Cities ABC* 68 Cal.App. 4<sup>th</sup> 727, 739 (1998)[emphasis added]

3 While the Laird court found that Laird had failed to make this showing, Plaintiff herein has  
4 demonstrated each of the factors she had failed to:

5 Laird produced no evidence that Cap Cities exercised day-to-day control over Sutton's  
6 employment decisions in general or that it exercised any control over Sutton's decisions with  
respect to her.

7 *Laird, supra*, at 739

8 The employment decisions, as with all management-level decisions, of U.Lim Mexico are made by  
9 U.Lim America.

10 Laird also produced no evidence that the operations of Cap Cities and Sutton were  
11 "interrelated"--i.e., that Cap Cities exercised greater control over Sutton's operations than  
that which a parent corporation would normally exercise over its subsidiary. She did not  
12 show, for instance, that Cap Cities kept Sutton's books, issued its paychecks, or paid its bills.  
Nor did she show that the two operations had shared employees (in the sense that any  
employee of one might be reassigned to the other), headquarters, or office space. (Ibid.)

13 *Laird, supra*, at 739

14 U.Lim America kept the accounts of U.Lim Mexico, issued its paychecks and paid its bills. The  
15 operations shared employees in that U.Lim America's employees managed all aspects of U.Lim's operations  
16 and they clearly shared office space.

17 As already indicated, Laird also failed to show that the two corporations had any degree of  
18 common management. Other than her bare assertion that all Sutton employees were ipso  
facto Cap Cities employees, she offered no evidence that anyone served as a manager of  
19 both corporations.

20 *Laird, supra*, at 739

21 The employees of U.Lim America were the sole upper-level management of U.Lim Mexico. U.Lim  
22 America's employees directed or influenced every aspect of U.Lim Mexico's day-to-day operations. The  
23 managers of U.Lim America did not need to be transferred to U.Lim Mexico, as they were already there, in  
24 U.Lim Mexico's facility, directing its operations.

25 As previously noted, U.Lim America and U.Lim Mexico are owned and controlled by the same  
26 person, Ki Hwa. U.Lim Mexico was nothing more than the labor pool for an integrated enterprise directed  
27 by U.Lim America. U.Lim Mexico effectively makes no profit and transfers all of its funds to U.Lim  
28 America. Every significant decision, policy or procedure of U.Lim Mexico is controlled by U.Lim America.

1 It would be hard to find a more appropriate candidate for application of the "integrated enterprise" doctrine  
 2 than U.Lim. Given that the combined enterprise has had no fewer than 56-156 employees during the  
 3 applicable period, Title VII clearly applies to them.

4 **1. Foreign Employees Count for Purpose of the "15 Employee" Requirement**

5 The Second Circuit Court of Appeals has found that an "integrated entity's" foreign employees  
 6 should be counted against the ADEA's employee limits for purposes of determining whether a corporation  
 7 is liable under the ADEA, given that the employee limit was implemented for the main purpose of protecting  
 8 truly small businesses from ruinous compliance costs. This is equally applicable to a Title VII case [Where  
 9 civil rights statutes share common purposes (e.g. ADEA & Title VII - elimination of discrimination in the  
 10 workplace - *Oscar Mayer & Co. v. Evans*, 441 U.S. 750, 756], they should be construed consistently (9th Cir.  
 11 1986) 799 F.2d 1416, 1418]

12 In *Morelli v. Cedel* (2d Cir. 1998) 141 F.3d 39, the Second Circuit found that:

13 [W]e have previously identified several reasons for Title VII's minimum-employee  
 14 requirement, see 42 U.S.C. § 2000e(b) (15 or more employees). These include the burdens  
 15 of compliance and potential litigation costs, "the protection of intimate and personal  
 relations existing in small businesses, potential effects on competition and the economy, and  
 the constitutionality of Title VII under the Commerce Clause." [citation]

16 None of these reasons suggests that whether a foreign employer is subject to the ADEA  
 17 should turn on the size of its U.S. operations alone. *Cedel* contends that because it has  
 18 fewer than 20 employees in the United States, it is the equivalent of a small U.S. employer.  
 19 This is implausible with respect to compliance and litigation costs; their impact on *Cedel*  
 20 is better gauged by its worldwide employment. *Cedel* would not appear to be any more a  
 boutique operation in the United States than would a business with ten employees each in  
 offices in, say, Alaska and Florida, which would be subject to the ADEA. Further, a U.S.  
 corporation with many foreign employees but fewer than 20 domestic ones would certainly  
 be subject to the ADEA.

21 Accordingly, in determining whether *Cedel* satisfies the ADEA's 20-employee threshold,  
 22 employees cannot be ignored merely because they work overseas. We therefore vacate the  
 judgment on the plaintiff's ADEA count.

23 *Morelli v. Cedel* (2d Cir. 1998) 141 F.3d 39, 46

24 Accordingly, there is no dispute that U.Lim Mexico's employees count against U.Lim America's  
 25 Title VII employee count, particularly given that U.Lim as an integrated entity had gross sales of  
 26 \$14,000,000 over the past two years and employs many times the minimum number of employees.

27 **VI. FEHA Extends to Acts committed by a California Employer in Mexico where all indices of**  
 28 **employment arise out of California**

Defendants admit that no court has addressed the issue of whether FEHA covers a California resident/citizen working in Mexico for a California corporation. It has always been the policy of California to extend to its citizens protections exceeding that of the Civil Rights Act, and it has always looked to federal decisions for guidance. In the instant case the plaintiff was a resident of California, U.Lim America was a California Corporation and plaintiff paid all taxes associated with employment in California. Thus, while it has been held that where the plain language of FEHA contradicts federal law, the FEHA language controls, this has been applied to extend greater protection (FEHA applicable to individuals where Title VII is not), not to lessen it (*Page v. Superior Court* 1995 31 CalApp4th 1206). Title VII has been made explicitly applicable to such a situation by the 1991 amendment to the Civil Rights Act. Accordingly, it would violate California's stated policies to fail to likewise extend FEHA's reach, particularly where obtaining jurisdiction over the defendant in question, a California corporation, is not an issue and where the plaintiff, a California resident, paying California taxes and employed by a California Corporation would anticipate being afforded all the protections afforded any other California employee. Additionally, as the remedies available under FEHA and Title VII are essentially identical, defendants run the selfsame risks should either remedy be allowed.

## **VII. Disparate Treatment under Title VII and FEHA<sup>11</sup>**

Plaintiff's Title VII claim rests upon his disparate treatment by U.Lim based upon his race and/or national origin. Under Title VII's standards for "disparate treatment":

"Disparate treatment" such as is alleged in the present case is the most easily understood type of discrimination. The employer simply treats some people less favorably than others because of their race, color, religion, sex, or national origin.

*International Brotherhood of Teamsters v. U.S.* (1977) 431 U.S. 324, 334

### **A. Defendants Clearly Treated Korean Employees, Including Plaintiff, Less Favorably than Other Non-Korean Employees Based on their Race/Nationality**

#### **1. Working Hours/Compensation**

The Korean managers of U.Lim, particularly Plaintiff, Park, Baek and Cheong, worked almost twice the "typical" hours as the Mexican managers and often worked Saturdays and Sundays. [Baek, 25:2-4;

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<sup>11</sup> All the standards for Title VII are equally applicable to the FEHA claims.

25:19-20; 25:25-26:2; 26:3-26:13] All of the Korean managers were expected to work overtime hours. [Yoon, 208:15-212:9] The Koreans were not paid for this substantial overtime. [Kang, 821:22-822:8]

By contrast, the Mexican managers of U.Lim worked hours half as long, with one of them rotating in for overtime and the rest going home at the end of the day. [Baek, 110:2-114:11]

Accordingly, it may be strongly inferred that the work hours imposed upon the Koreans by U.Lim were discriminatorily motivated as well as onerous, particularly in light of Yoon's statements in the record regarding his views on Koreans vis a vis other nationalities.

**2. Plaintiff Need Not Meet the McDonnell-Douglas Circumstantial Evidence Test Where Plaintiff has Introduced Direct Evidence of Discrimination**

Defendants contend that Plaintiff must first prove a prima facie case of discrimination to establish his Title VII claim. However, this is only true where there is no direct evidence of discrimination.

[A] plaintiff may establish a prima facie case of disparate treatment by satisfying the McDonnell Douglas four-part test, thereby creating a rebuttable presumption of discriminatory treatment, or by presenting actual evidence, direct or circumstantial, of the employer's discriminatory motive.

*Lowe v. City of Monrovia* (9th Cir. Cal. 1985) 775 F.2d 998, 1009.

Defendants ignore a substantial body of direct evidence in their moving papers, e.g. comments made by Yoon which admit Koreans were expected to work harder than other ethnic groups. [Kang, 693:6-696:18; 696:2-7; 887:18-888:6; Cheong at 44:16-18; 44:25-45:3].

**3. Plaintiff Has Established a Prima-Facie Case of Discriminatory Discharge**

Defendants attempt to shoehorn Plaintiff's claim into the *Pejic v. Hughes Helicopters, Inc.* ((9th Cir. 1988) 840 F.2d 667) standard for establishing a prima facie case of discrimination is inappropriate. When it adopted the *McDonnell-Douglas v. Greene* (1973) 411 U.S. 792, 802 prima facie/burden shifting criteria, the Supreme Court expressly recognized that:

The facts necessarily will vary in Title VII cases, and the specification above of the prima facie proof required from respondent is not necessarily applicable in every respect to differing factual situations.

*McDonnell-Douglas*, supra, 802 [Footnote 13]

The *Pejic* four-prong test requires that the Plaintiff prove the following: (1) he is a member of a protected class (not at issue), (2) adverse employment action was taken against him (not at issue), (3) that

1 he was performing his job satisfactorily (contested), and (4) that the adverse action took place in  
2 circumstances giving rise to an inference of discrimination (contested).

3 **a) Plaintiff was Performing his Job Satisfactorily**

4 First, it must be noted that defendant's contention that Cho was Kang's supervisor in the period  
5 leading up to his termination is incorrect. Kang reported to Yoon throughout his tenure at U.Lim. [Kang,  
6 244:12-14]. Defendants contend that Plaintiff's refusal to work overtime was the "unsatisfactory" element  
7 of his performance. Yet Yoon has expressly testified that he was agreeable to the "rotating" overtime  
8 proposal made by Kang [Yoon, 79:1-13; 82:16-83:20; 211:2-9]. He has also testified that Kang's presence  
9 during overtime hours was not as important as that of Park with respect to overtime operations [Yoon,  
10 209:13-210:10]. He testified that he didn't even know why Kang was working overtime hours if he had  
11 completed all of his purchasing duties. [Yoon, 212:18-213:3] He also testified that it was up to the  
12 department heads if they worked overtime together or rotated. [Yoon, 79:1-13; 82:16-83:20; 211:2-9]

13 When they last spoke, in the conversation in which defendants state Plaintiff was terminated, Yoon  
14 states that they did not even discuss the issue of overtime [Yoon, 61:3-20; 72:19-20; 73:20-74:24], and that  
15 he had only discussed that issue once with plaintiff at a point in time he could not recollect. [Yoon, 79:1-13;  
16 82:16-83:20; 211:2-9]. Yoon states that in this final conversation, the only issue discussed was Kang's desire  
17 that Cho be fired. [Yoon, ] In this conversation, Yoon told him to work out his problems with Cho and both  
18 agreed that he would try to do that. (Yoon, 68:19-69:2) Yoon expressly stated that he did not fire the plaintiff  
19 and the plaintiff did not quit. (Yoon, 69:4-6). Yoon also stated that he never considered terminating Kang  
20 [Yoon, 294:18-20] was satisfied with Kang's job performance. (Yoon, 294:24-295:1) Accordingly, there  
21 is a considerable question of material fact as to whether there was, in fact, any issue with respect to Kang's  
22 job performance by virtue of the testimony of the only person who had the authority to terminate him.

23 **b) Inference of Discrimination**

24 Defendants next claim that, even were his performance satisfactory, his termination did not occur  
25 in circumstances giving rise to an inference of discrimination. Given the aforecited statements made by  
26 Yoon disparaging Mexicans and Americans in comparison to Koreans, coupled with the established disparity  
27 in treatment between Koreans and non-Koreans with respect to working hours, working conditions and  
28 overall treatment, this is simply not plausible. Ample evidence of discrimination is available, and should

1 be submitted to the trier of fact to determine motive.

2 **4. Plaintiff has Stated a Claim for a Discriminatorily Hostile Work Environment**

3 Defendants contend that Plaintiff has failed to establish that he was subjected to a hostile work  
4 environment. An amazing claim given the facts of this case.

5 **a) Mere Verbal Harassment is Sufficient to Establish a**  
6 **Hostile Work Environment**

7 In *Harris v. Forklift Systems* (1993) 510 U.S. 17, Teresa Harris worked as a manager at Forklift  
8 Systems, Inc., an equipment rental company, from April 1985 until October 1987. Charles Hardy was  
9 Forklift's president. Throughout Harris' time at Forklift, Hardy often insulted her because of her gender and  
10 often made her the target of unwanted sexual innuendos.<sup>12</sup>

11 Nevertheless, the District Court found that Harris did not have a Title VII claim for being subjected  
12 to a discriminatorily hostile work environment because she did not suffer "serious psychological injury."  
13 The United States Supreme Court found that the District Court had erred in making this ruling, holding that:

14 A discriminatorily abusive work environment, even one that does not seriously affect  
15 employees' psychological well-being, can and often will detract from employees' job  
16 performance, discourage employees from remaining on the job, or keep them from  
17 advancing in their careers. Moreover, even without regard to these tangible effects, the very  
18 fact that the discriminatory conduct was so severe or pervasive that it created a work  
19 environment abusive to employees because of their race, gender, religion, or national origin  
20 offends Title VII's broad rule of workplace equality...

\*\*\*

21 We therefore believe the District Court erred in relying on whether the conduct "seriously  
22 affect[ed] plaintiff's psychological well-being" or led her to "suffe[r] injury..." Certainly  
23 Title VII bars conduct that would seriously affect a reasonable person's psychological well-  
24 being, but the statute is not limited to such conduct. So long as the environment would  
25 reasonably be perceived, and is perceived, as hostile or abusive, [citation], there is no need  
26 for it also to be psychologically injurious.

27 *Harris, supra*, at 21. (c.f. *Draper v. Couer Rochester, Inc* (9th Cir. 1998) 147 F.3d 1104 - sexual innuendos  
28 of defendant's supervisor coupled with discriminatory work assignments were held to have created a  
sufficiently hostile work environment).

23 **b) Where Plaintiff was Physically as Well as Verbally**  
24 **Abused, His Environment was Clearly Hostile**

25 <sup>12</sup>. Hardy told Harris on several occasions, in the presence of other employees, "You're a woman,  
26 what do you know" and "We need a man as the rental manager"; at least once, he told her she was "a dumb  
27 ass woman." Again in front of others, he suggested that the two of them "go to the Holiday Inn to negotiate  
28 [Harris'] raise." Hardy occasionally asked Harris and other female employees to get coins from his front  
pants pocket. He threw objects on the ground in front of Harris and other women, and asked them to pick  
the objects up. He made sexual innuendos about Harris' and other women's clothing.

1 Additionally, it must be noted that Plaintiff suffered regular physical abuse at the hands of Yoon  
 2 (cites). Both the Ninth Circuit and the State of California have expressly recognized that physical abuse is  
 3 more offensive than verbal abuse for purposes of establishing the legal hostility of a workplace [*Fisher v.*  
 4 *San Pedro Peninsula Hospital*, (1989) 214 Cal.App.3d 590; *Pereira v. Schlage Electronics* (1995) 902  
 5 F.Supp. 1095]

6  
 7 ***c) Plaintiff's Work Environment was both***  
 8 ***Objectively and Subjectively Hostile***

9 In order to be found "hostile" a work environment must be both objectively and subjectively hostile  
 10 [*Harris, supra*, at 22]. The pervasive environment of physical and verbal abuse which Yoon maintained at  
 11 U.Lim is well-established in the record

12 From the objective standpoint, it must be noted that witnesses Baek and Cheong have expressed in  
 13 no uncertain terms the nature of Kang's work environment. Baek says it was a "military camp", that Kang  
 14 was treated like a kindergartener, and that he was insulted at the treatment Kang sustained. Cheong, who  
 15 was employed by U.Lim most recently, through the date of Plaintiff's termination, stated that they were  
 16 treated like "servants", that Kang was hit and kicked as part of a "daily ritual" and that they just "got used"  
 17 to being hit every day. (Cheong, 34:13-35:8; 36:7-11; 48:24-49:5)

18 Subjectively, Kang has stated that he felt hurt, afraid, "brainwashed", depressed and humiliated and  
 19 was afraid for his job if he complained. (Kang, 316:22-318:4; 371:15-371:21; 372:4-9; 372:14-20; 554:4-  
 20 10; 327: 7-12; 927:23-928-18; 326:21-327:12373:8-12; 374:19-23) Baek stated that whenever he saw Yoon  
 21 kick Kang, he could tell that it hurt Kang. [Baek, 161:7-21] As to being hit in the face and head with a metal  
 22 ruler, that is obviously distressing. Furthermore, Kang's own statements should also be considered in light  
 23 of the statement of Cheong with respect to just getting used to being hit all the time. There is sufficient  
 24 evidence to establish that Kang perceived his environment as hostile or abusive [*Harris, supra*, at 22].

25 ***5. It is not a defense that Yoon may have believed that he is helping his***  
 26 ***victims to be better Koreans***

27 Defendants next attempt at MSJ Page 24 to explain away Yoon's deplorable behavior by claiming  
 28 his racist comments and behavior show he favored, rather than discriminated against, Koreans.. While this  
 may be true, this sort of "favoritism" is not what Plaintiff needed, considering it came in the form of constant



1 physical and verbal abuse, punishing work hours and capricious termination. While the instant situation is  
 2 somewhat novel in that Yoon may genuinely believe he is making his victims better Koreans,<sup>13</sup> no authority  
 3 has ever recognized a belief in the victim's "racial superiority" to be a defense to a claim for disparate  
 4 treatment. To the contrary, 42 U.S.C. 2000e2 simply states that:

5 It shall be an unlawful employment practice for an employer--  
 6 (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate  
 7 against any individual with respect to his compensation, terms, conditions, or privileges of  
employment, because of such individual's race, color, religion, sex, or national origin;

8 42 USC A s 2000e-2 (in pertinent part)

9 Defendants cannot reasonably claim that Plaintiff was not treated less favorably in terms of overtime  
 10 hours, compensation and working conditions vis a vis the Mexican employees, who were not abused to the  
 11 same degree [Baek, 35:19-36:1; 138:24-25; Cheong 42:20-21], were permitted to rotate overtime [\*\*] and  
 12 were compensated for their overtime [\*\*]. Nor can they overcome the inference that Yoon inflicted these  
 13 conditions upon him based upon the fact that he was Korean. Whether he did so out of malice or a twisted  
 14 sense of benevolence makes no difference.

15 **6. *Yoon's Favoritistic Treatment of Some of the Koreans Does Not Absolve***  
***Him of Responsibility for His Discriminatory Acts***

16 The fact that Yoon may, by virtue of personal relations or otherwise, favor one or more of the  
 17 employees to the extent that they do not suffer his attentions to the same extent the less fortunate Koreans  
 18 do, is not a defense. This issue of "tokenism" was squarely addressed in *Connecticut v. Teal* (1982) 457  
 19 U.S. 440. Therein, the Supreme Court stated that:

20 It is clear that Congress never intended to give an employer license to discriminate against  
 21 some employees on the basis of race or sex merely because he favorably treats other  
 22 members of the employees' group. We recognized in *Los Angeles Dept. of Water & Power*  
 23 *v. Manhart*, [citation], that fairness to the class of women employees as a whole could not  
justify unfairness to the individual female employee because the "statute's focus on the  
 24 individual is unambiguous." [citation]

25 *Connecticut v. Teal*, supra, at 445.

26 <sup>13</sup> Defendant's cited case [*Pacenza*] accordingly has no applicability. The point Plaintiff is  
 27 making in citing Yoon's statements is not that he bears animus toward Koreans, but rather that he is  
 28 explicitly admitting that he singles the Koreans out for a harsher work and discipline regimen because he  
 believes they are superior workers to their Mexican or American counterparts. This stark admission of  
 "favoritism" is wholly relevant to and probative of Yoon's racial motivation.



1 The evidence clearly shows that Kang was singled out for harsh treatment based upon his race,  
2 regardless of what Yoon's relationship with Cho or any other individual manager may have been.

3 **7. *U.Lim is not exempt from liability because Yoon mistreated all of***  
4 ***Koreans employees equally.***

5 Defendants next "defense" is that Yoon's abusive treatment was "equal opportunity". [MSJ at  
6 24:10-11] Their problem in utilizing the well-worn "he was a bastard to everyone" employer defense is that  
7 the record does not support this. The testimony of the plaintiff and witnesses clearly shows that, while Yoon  
8 is hardly an ideal boss no matter what your ethnic background, you particularly do not want to be his Korean  
9 employee.

10 Kang, Baek and Carillo all clearly state that Yoon did not hit Mexican employees, did not scold them  
11 as harshly, and did not subject them to the punishing work scheduled expected of the Koreans. The standard  
12 for disparate treatment is that an employee is treated less favorably than another because of his race. This  
13 does not mean that an employer can escape fault by mistreating everyone in his employ.<sup>14</sup>

14 Sufficient testimony is in evidence to show that Plaintiff suffered discriminatory termination from  
15 a hostile work environment for refusing to work intolerable hours under unconscionable conditions after  
16 performing his legitimate duties to the admitted satisfaction of his supervisor. Defendants' motion as to this  
17 cause of action should be overruled.

18 **VIII. TITLE VII - Statute of Limitation (Continuing Violations)**

19 Defendants' claim herein ignores the well-known "continuing violations" doctrine, whereunder acts  
20 which are related by common motive, theme, target, and function in the workplace are considered a single  
21 violation for purposes of calculating when a plaintiff's cause of action accrues vis a vis the applicable statute  
22 of limitations.

---

23  
24 <sup>14</sup> This is an odd sort of "mixed-motive" argument. Claims like these are the very reason why  
25 Congress explicitly and with great dispatch amended the Civil Rights Act in 1991. The Act now states that  
26 all a Plaintiff must do to prove a claim under Title VII where the employer claims he would have taken the  
27 wrongful action absent the discriminatory factor is to show that race was a "substantial factor" in motivating  
28 the decision. Nevertheless, it must be noted that, given that Plaintiff was terminated, constructively or  
otherwise, for refusal to work hours which were imposed solely upon Koreans and out of general  
dissatisfaction with abusive treatment sustained only by Koreans, it cannot be said that he would not have  
been fired had he not been Korean, as he never would have suffered the adverse conditions to such a degree  
in the first place.

"To establish a continuing violation [a plaintiff has] to show 'a series of related acts, one or more of which falls within the limitations period, or the maintenance of a discriminatory system both before and during the [limitations] period.' " [citations]. A continuing violation may thus be established not only by demonstrating a company wide policy or practice, but also by demonstrating a series of related acts against a single individual. [citation] In the latter instance, "[the] question ... boils down to whether sufficient evidence supports a determination that the 'alleged discriminatory acts are related closely enough to constitute a continuing violation.' " [citation]

*Green v. Los Angeles County Superintendent of Schools* (9th Cir. 1989) 883 F.2d 1472, 1480

In *Draper v. Coeur Rochester, Inc.* (9th Cir. Cal. 1998) 147 F.3d 1104 worked at Coeur for a period of two years in which she was subjected to regular sexual innuendoes by her supervisor and given unfavorable work assignments when she failed to reciprocate his interest. The Ninth Circuit Court of Appeals ruled as follows.

Here, Draper has testified that she was subject to the same sort of harassment by Anelli on a regular basis, and that she constantly felt uncomfortable and upset at work. As in most claims of hostile work environment harassment, the discriminatory acts were not always of a nature that could be identified individually as significant events: instead, the day-to-day harassment was primarily significant, both as a legal and as a practical matter, in its cumulative effect. Because Draper's hostile work environment claim is not based upon a series of discrete and unrelated discriminatory actions, but is instead premised upon a series of closely related similar occurrences that took place within the same general time period and stemmed from the same source, her allegations set forth a claim of a continuing violation.

*Draper v. Coeur Rochester, Inc.* (9th Cir. Cal. 1998) 147 F.3d 1104, 1108

Likewise, in the case of *Anthony v. County of Sacramento Sheriff's Department* (1994 E.D. Cal) 845 F.Supp. 1396, the plaintiff was similarly subjected to racist and sexist remarks, discriminatory treatment and harassment. The Court therein found that:

Here, plaintiff alleges acts of harassment and discrimination which were motivated by endemic racial and sexual animus and retaliation for particular forms of speech. As explained above, these acts are related by common motive, theme, target, and function in the workplace. Plaintiff's allegations, if proven, would therefore establish a continuous violation sufficient to toll the statute.

An ongoing campaign of related harassment, like an ongoing policy of discrimination, constitutes a civil rights violation that continues rather than concludes with any individual act.

*Anthony v. County of Sacramento Sheriff's Department* (1994 E.D. Cal) 845 F.Supp. 1396, 1402

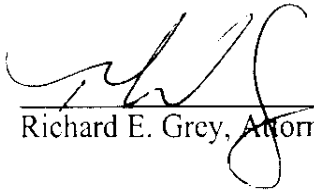
In the instant case, it is abundantly clear that the Plaintiff's termination, as well as the physical and verbal abuse and punishing work schedule he endured was motivated by race and was part of a continuing pattern of discrimination inflicted upon all Korean employees, including Plaintiff. Accordingly, all

1 discriminatory acts alleged in the complaint are actionable and the statute of limitations does not apply  
2 thereto.

3 CONCLUSION

4 For the aforementioned reasons, the defendants motion for Summary Judgment and/or Summary  
5 Adjudication should be denied as there exist genuine issues of material fact.

6  
7 Dated: 2/15/00

  
Richard E. Grey, Attorney for Plaintiff

**UNITED STATES DISTRICT COURT - SOUTHERN DISTRICT OF CALIFORNIA**

**DECLARATION OF SERVICE**

**KANG v. U.LIM AMERICA, INC, et al - Civil No. 99CV0659 JM (RBBS)**

I, Dawn M. Souder, declare, I am, a citizen of the United States, over the age of eighteen years, and not a party to this action. I am employed in the County of San Diego, California. My business address is 409 Camino Del Rio South, Suite 303, San Diego, California. On February 15, 2000 I served the following document(s):

**PLAINTIFF'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND MOTION  
FOR SUMMARY ADJUDICATION OF CLAIMS; DECLARATION OF RICHARD E. GREY;  
PLAINTIFF'S UNDISPUTED STATEMENT OF FACTS.**

on all interested parties in said action, by delivering a true copy as follows:

☐ (By Mail) I placed a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid. I deposited said envelope in the United States Mail in the State of California in the County of San Diego.

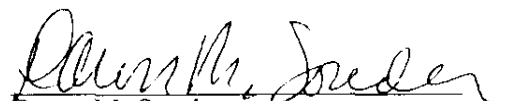
☐ (By Hand) I placed a true copy thereof enclosed in a sealed envelope and caused such envelope to be delivered to the offices of each addressee.

☒ (By Facsimile) I sent a true copy thereof via telephone facsimile transmission to the offices of the addressee via the facsimile number as identified by each addressee, and additionally I forwarded a hard copy by mail.

Each envelope (if applicable) was addressed as follows:

John S. Battenfeld, Esq  
Morgan, Lewis & Bockius LLP  
300 South Grand Avenue, 22<sup>nd</sup> Floor  
Los Angeles, CA 90071-3132  
Attorney for U. Lim America, Inc., Tae Jin Yoon

I declare under penalty of perjury that the foregoing is true and correct. Executed  
February 15, 2000 at San Diego, California.

  
Dawn M. Souder



KANG V.  
U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3  
4 SOO CHEOL KANG, )  
5 Plaintiff, )  
6 vs. ) No. 99 CV659 JM  
7 U. LIM AMERICA, INC.; TAE ) (RBB)  
8 JIN YOON, an individual; and )  
9 DOES 1 to 100, )  
10 Defendants. )  
11  
12  
13  
14 DEPOSITION OF TAE JIN YOON  
15 San Diego, California  
16 Tuesday, February 1, 2000  
17 Volume I  
18  
19  
20  
21  
22  
23 Reported by:  
24 JESSICA E. MASSE  
25 CSR No. 9910  
JOB No. 12376B

1

1 APPEARANCES:  
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16 Also Present:  
17 JAE HO CHO  
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19  
20 Interpreter:  
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24 (619) 486-6648  
25

3

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3  
4 SOO CHEOL KANG, )  
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8 JIN YOON, an individual; and )  
9 DOES 1 to 100, )  
10 Defendants. )  
11  
12  
13  
14  
15 Deposition of TAE JIN YOON,  
16 Volume I, taken on behalf of Plaintiff,  
17 at 501 West Broadway, Suite 1300, San  
18 Diego, California, beginning at 10:50  
19 a.m. and ending at 5:00 p.m. on  
20 Tuesday, February 1, 2000, before  
21 JESSICA E. MASSE, Certified Shorthand  
22 Reporter No. 9910.  
23  
24  
25

2

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2 WITNESS: EXAMINATION  
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4 Volume I  
5 BY MR. GREY 5  
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11 EXHIBITS  
12 (None)  
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4

KANG V.  
U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 does have a cold, and my understanding is he's able to  
2 testify notwithstanding the cold, but I want to make  
3 sure that the witness will let us know if that becomes  
4 a problem particularly as the day progresses.

5 THE WITNESS: Yes. If I have a problem, I will  
6 let you know.

7 BY MR. GREY:

8 Q Okay. Have you reviewed any documents in  
9 preparation for today's deposition?

10 A No. I have not reviewed any document.

11 Q Have you met with anyone concerning  
12 today's deposition?

13 A Yes. I met my attorney this morning.

14 Q Have you met with anyone other than your  
15 attorney regarding today's deposition?

16 A No. Besides just I had breakfast with  
17 Jae. That's all.

18 Q Was your attorney present for that  
19 breakfast?

20 A Yes.

21 Q Other than your attorney and Mr. Cho this  
22 morning, have you spoken to anyone concerning today's  
23 deposition?

24 MR. BATTENFELD: Do you mean including any  
25 meeting we may have had yesterday as well?

9

1 attended.

2 BY MR. GREY:

3 Q You never spoke with Mr. Cho regarding  
4 Mr. Park's deposition?

5 A I received a report from Mr. Cho, Jae,  
6 that Mr. Park attended the deposition.

7 Q Did you speak about the content of the  
8 deposition?

9 A No.

10 Q When you say "report," you are not  
11 referring to a written report; correct?

12 A No. Just verbal report.

13 Q Did you ever speak to anyone other than  
14 your attorney regarding Mr. Cho's deposition?

15 A I knew that he attended the deposition,  
16 however, and then also I saw this morning he was here.

17 Q Did you ever talk to him or anyone else  
18 about the content of his deposition?

19 MR. BATTENFELD: And again other than  
20 discussion with counsel.

21 THE WITNESS: No. I don't have.

22 BY MR. GREY:

23 Q Have you ever talked to anyone regarding  
24 the content of Mr. Kang's depositions in this case?

25 MR. BATTENFELD: And again --

11

1 MR. GREY: Any meeting.

2 THE WITNESS: I only had dinner with our  
3 attorney. That's all I had.

4 BY MR. GREY:

5 Q And was Mr. Cho present for that?

6 A Yes. Jae was there.

7 Q Other than these two meetings, have you  
8 spoken or met with anyone concerning today's  
9 deposition?

10 A No.

11 Q Did you speak with your father regarding  
12 today's deposition?

13 A No. But he knows that I am coming here.

14 Q Have you spoken with anyone concerning  
15 the deposition that your father gave?

16 A I was aware that my father attended here.

17 Q But did you speak to anyone about that?

18 A I knew that he attended here. However,  
19 not talked about the content of what happened.

20 Q Did you talk to anyone concerning the  
21 deposition of Mr. Park that he gave in this case?

22 MR. BATTENFELD: Other than discussion with  
23 counsel?

24 MR. GREY: Other than discussion with counsel.

25 THE WITNESS: No. I don't have. I knew he

10

1 MR. GREY: Other than counsel.

2 THE WITNESS: Would you repeat the question?

3 BY MR. GREY:

4 Q Have you ever talked to anyone other than  
5 your counsel regarding the content of Mr. Kang's  
6 depositions in this case?

7 A No.

8 Q And have you ever talked to anyone  
9 regarding the content of Mr. Cheong's deposition in  
10 this case other than your attorney?

11 A No.

12 Q And finally have you ever talked to  
13 anyone regarding the content of Mr. Baek's deposition  
14 in this case other than your attorney?

15 A No.

16 Q Have you ever seen a declaration given by  
17 Mr. Teddy Baek?

18 A No.

19 Q And you understand what a declaration is?

20 A I do not know.

21 Q A declaration is a written statement  
22 given by -- could be given by any person and generally  
23 signed under the penalty of perjury. So I will ask it  
24 this way. Have you ever seen a written statement  
25 given by Mr. Baek at any time?

12

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1 report was made?

2 A No, there wasn't.

3 Q Okay. And approximately what point in  
4 time, date did he inform you of Mr. Kang filing a  
5 complaint?

6 MR. BATTENFELD: If you recall.

7 THE WITNESS: I do not remember.

8 BY MR. GREY:

9 Q This is one of those instances where I'm  
10 going to ask you for your best estimate as to time  
11 because you have a recollection of it occurring, and  
12 you have some estimate of when that was. You may or  
13 may not be accurate in your estimate, but give us a  
14 range that you are comfortable with, your best  
15 estimate in the most comfortable range when that  
16 occurred.

17 A Yes. I will.

18 Q And what is that?

19 A About March of 1998.

20 MR. BATTENFELD: '98 or '99?

21 THE WITNESS: '99, I think.

22 BY MR. GREY:

23 Q And what did Mr. Cho inform you as to the  
24 allegations in Mr. Kang's complaint?

25 A The content of the lawsuit, and I heard a

17

1 business; correct?

2 A Yes.

3 Q Did you make any decision at that time  
4 with Mr. Cho as to what action, if any, you would take  
5 relative to the lawsuit?

6 A No. I did not.

7 Q Well, did you discuss hiring an attorney  
8 at that time?

9 THE INTERPRETER: I didn't hear.

10 THE WITNESS: No. Did not talk about the  
11 complaint. However, I think I need to hire an  
12 attorney for the case. I think that's all we talked  
13 about.

14 BY MR. GREY:

15 Q And did you make the decision to hire an  
16 attorney, or did you place that in Mr. Cho's hand?  
17 Who did you give that responsibility to?

18 A I gave them to Mr. Cho.

19 Q When is the next time you spoke to anyone  
20 regarding Mr. Kang's lawsuit?

21 A No. I did not talk about it.

22 Q I'm not sure you understand the question.  
23 Was there -- when was the next time, if any, but the  
24 next time that you spoke to anyone regarding  
25 Mr. Kang's lawsuit?

19

1 few items or issues, but I do not recall.

2 Q Do you recall any of the issues that you  
3 spoke about?

4 A He did the overtime, and then I raised my  
5 voice. I think about that I remember.

6 Q Any other specific allegations you  
7 remember discussing at that time when you were  
8 informed of the complaint?

9 A No.

10 Q So it's your testimony, then, that the  
11 only thing that you recall specific issues discussing  
12 is overtime and you raising your voice to Mr. Kang?

13 A Yes. At this moment, that's all.

14 Q Did you discuss with Mr. Cho at that time  
15 whether or not Ki Hwa Yoon needed to be informed of  
16 this lawsuit?

17 A No.

18 Q Did you make any -- or have any  
19 discussion at that time as to what you are going to do  
20 next with respect to the lawsuit?

21 A What do you mean?

22 Q Mr. Cho informed you of the lawsuit;  
23 correct?

24 A Yes.

25 Q And that was certainly a concern of the

18

1 MR. BATTENFELD: If you recall.

2 THE WITNESS: I don't remember.

3 BY MR. GREY:

4 Q Well, you spoke to your attorney  
5 regarding the lawsuit at some point in time; correct?

6 A Yes. I think we went to his office in  
7 L.A.

8 Q And when did this meeting occur?

9 A I do not remember the months.

10 Q Just your best estimate. If you want a  
11 calendar to look at to help you out, feel free.

12 MR. BATTENFELD: Again if you are able to give  
13 an estimate.

14 THE WITNESS: November or December. I think it  
15 was November.

16 BY MR. GREY:

17 Q Of this year -- or rather 1999?

18 MR. BATTENFELD: I want to remind the witness  
19 he should not guess.

20 THE WITNESS: Then, I don't remember.

21 BY MR. GREY:

22 Q It was after your meeting with Cho;  
23 correct?

24 A Yes.

25 Q And was it a couple of months after your

20



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1 his attorneys, and I will instruct the witness to not  
2 respond as to any information he may have been given  
3 by his attorneys.

4 MR. GREY: And I don't want you to reveal the  
5 content of your communications with your attorney.  
6 I'm just wondering whether or not at that time you  
7 were aware that you or Mr. Park could be a potential  
8 witness in the case.

9 MR. BATTENFELD: But again if his awareness  
10 came from the attorneys, then it's not an appropriate  
11 question because that would reveal an attorney/client  
12 communication.

13 MR. GREY: You can answer to the extent of your  
14 attorney's instruction.

15 MR. BATTENFELD: In other words, were you aware  
16 from any source other than your attorneys that you or  
17 Mr. Park might be a witness in the case?

18 THE WITNESS: No. I didn't know.

19 MR. GREY: Interesting legal issue.

20 Q When you came back from the meeting, did  
21 you speak to Mr. Cho regarding the meeting?

22 A No. I did not.

23 Q Did he inquire of you regarding the  
24 meeting?

25 A No, he did not.

25

1 A Vice-president.

2 Q And you were president of the Mexican  
3 operations; is that correct?

4 A Yes.

5 Q And at the time this meeting with your  
6 attorney took place, Mr. Cho was general manager; is  
7 that correct?

8 A Yes.

9 Q When is the next time you spoke with  
10 anyone concerning this litigation?

11 THE INTERPRETER: Let me just repeat it.

12 THE WITNESS: As I stated earlier, that there  
13 was no person that I spoke about.

14 BY MR. GREY:

15 Q Okay. Let me -- just so I understand,  
16 you had the first meeting with Mr. Cho where he  
17 informed you portions of the complaint; correct?

18 A Yes.

19 Q And the next meeting you had concerning  
20 any aspect of this litigation was with your attorney  
21 when you drove up with Mr. Park; correct?

22 A Yes.

23 Q And then you came back from that meeting,  
24 and you reported that you went to the meeting to Ki  
25 Hwa Yoon; correct?

27

1 Q Did you speak with anyone concerning the  
2 meeting?

3 A No. There was no one I talked about --  
4 talked about. I reported to Ki Hwa Yoon that I made  
5 the trip.

6 Q Prior to making the trip, had you spoken  
7 to Ki Hwa Yoon about this litigation?

8 A No. I did not.

9 Q What was the reason why you felt the need  
10 to report to him at that time?

11 A Would you repeat that?

12 Q What was the reason why you felt the need  
13 to report to him the first time after the meeting?

14 A And I sometimes report to him my schedule  
15 because he is an upper person.

16 MR. GREY: Was that the full extent of his  
17 answer?

18 THE WITNESS: Since he was an upper person,  
19 there were times that I report to him about my  
20 schedule and things like that.

21 BY MR. GREY:

22 Q And during Mr. Kang's employment, what  
23 was your title at U. Lim America?

24 A In America side?

25 Q America side.

26

1 A Yes.

2 Q When is the next time you had any meeting  
3 or spoke to anyone concerning this litigation from  
4 that time on?

5 MR. BATTENFELD: If you can recall.

6 THE WITNESS: I don't think I did it with  
7 anybody. Also I don't recall.

8 BY MR. GREY:

9 Q So is it your testimony, then, that the  
10 next time you spoke with anyone regarding this  
11 litigation is when you met with Mr. Cho and your  
12 attorney last night before this deposition?

13 A Yes.

14 Q Other than reporting that you went to the  
15 meeting to Ki Hwa Yoon, did you discuss the litigation  
16 with Ki Hwa Yoon?

17 A No. I did not.

18 MR. GREY: Let's just take a two-minute break.  
19 (Recess taken.)

20 BY MR. GREY:

21 Q Are you aware of U. Lim setting up a  
22 meeting with Mr. Kang to discuss his lawsuit?

23 A Would you repeat that?

24 Q Are you aware of the meeting that U. Lim  
25 set up with Mr. Kang to discuss his lawsuit?

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KANG V.  
U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 A Already they have met. That's why.  
2 Q Do you know if they met with Mr. Kang to  
3 try to settle the lawsuit or to convince him to drop  
4 the lawsuit?  
5 A I understood that they just had dinner  
6 together.  
7 Q Do you know whether or not Mr. Cho  
8 reported this meeting to Mr. Yoon, your father?  
9 A No. I don't know.  
10 Q As we sit here today, you are aware of  
11 the fact that Mr. Kang has sued U. Lim America;  
12 correct?  
13 A Yes, yes. I know.  
14 Q And you are aware of the fact that he's  
15 personally sued you; correct?  
16 A Yes, I do.  
17 Q And as we sit here today, what is your  
18 understanding of his allegations against you and U.  
19 Lim America?  
20 MR. BATTENFELD: And I'll object to the  
21 question to the extent it calls for any testimony  
22 about an understanding he obtained through discussions  
23 with attorneys for Mr. Yoon and/or the company. I  
24 will instruct the witness to respond only as to any  
25 understanding he has obtained through discussions with

33

1 people other than his attorneys or where his attorneys  
2 were not present.  
3 THE WITNESS: I do not have anything besides  
4 the source I obtained from those.  
5 BY MR. GREY:  
6 Q Are you aware that Mr. Kang has alleged  
7 that you verbally abused him during the course of his  
8 employment?  
9 A Yes. That, which I understand.  
10 Q Do you understand that Mr. Kang has  
11 alleged that you physically struck him on occasions  
12 during the course of his employment?  
13 A I remember that. I think that  
14 information was included in the complaint.  
15 Q So the answer is "yes"?  
16 A Yes. That is the way I remember.  
17 Q Have you ever spoken with Mr. Carillo at  
18 any time concerning this litigation?  
19 A Who is Carillo?  
20 Q Raul Carillo.  
21 A No. I did not.  
22 Q Are you aware of Mr. Cho or Mr. Park  
23 speaking to Raul Carillo at any time concerning this  
24 litigation?  
25 A Yes. I do remember.

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1 Q And who informed you of that meeting?  
2 A Jae reported.  
3 Q Okay. And when did he report to you  
4 about this meeting?  
5 A I do not remember.  
6 Q And what did he report to you about this  
7 meeting?  
8 A Only he informed that they met.  
9 Q Did he tell you before the meeting that  
10 he was planning to have this meeting with Mr. Carillo?  
11 A No. It was not. After they met.  
12 Q Did you know why he met with Mr. Carillo?  
13 A No. I did not.  
14 Q When Mr. Cho reported that he had met  
15 with Mr. Carillo, did you inquire as to what happened  
16 in the meeting?  
17 A I only heard that they had dinner. They  
18 met.  
19 Q Now, you indicated that Mr. Cho reported  
20 having this meeting with Mr. Carillo. Was it  
21 Mr. Cho's duty to report any meetings he had regarding  
22 the litigation to you?  
23 A Just informing the -- about what happened  
24 rather than reporting me with a report.  
25 Q But you are vice-president of U. Lim

35

1 America; correct?  
2 A Yes, it is.  
3 Q And he was below you; correct?  
4 A Who?  
5 Q Cho.  
6 A Yes, it is.  
7 Q And since you were his superior, was it  
8 his duty to report to you all the events concerning  
9 this litigation?  
10 MR. BATTENFELD: I'll object to the question as  
11 being ambiguous with respect to the word "duty" and  
12 the phrase all the events regarding the litigation, or  
13 exactly how it was phrased, I don't recall.  
14 THE WITNESS: No. It's not his duty.  
15 BY MR. GREY:  
16 Q Did anyone have a duty at the company to  
17 tell you what was happening with respect to this  
18 litigation?  
19 A About the litigation?  
20 Q Yes.  
21 A You mean a person who report to me the  
22 status when it happens?  
23 Q Reporting the status or the events.  
24 THE INTERPRETER: I didn't hear.  
25 MR. GREY: Reporting the status or the events.

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KANG V.  
U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 report to you; correct?  
2 A Yes, it is.  
3 Q And each of them would report the  
4 activities in their department for the day before;  
5 correct?  
6 A Yes.  
7 Q Mr. Park would report what the production  
8 was for the day before; correct?  
9 MR. BATTENFELD: You are asking about a typical  
10 meeting?  
11 MR. GREY: A typical meeting.  
12 THE WITNESS: You mean relating to production?  
13 MR. GREY: Yes.  
14 THE WITNESS: Yes.  
15 BY MR. GREY:  
16 Q And Mr. Cho would report his sales  
17 activities to you; correct?  
18 A Yes, it is.  
19 Q And Mr. Kang would report his purchasing  
20 activities?  
21 A Yes, it is.  
22 Q And the reason for these reports was  
23 because you were vice-president and needed to know the  
24 status of each department; correct?  
25 A Yes, it is.

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1 Q And you were responsible for the overall  
2 supervision and running of U. Lim America and U. Lim  
3 Mexico; correct?  
4 A Yes, it is.  
5 Q And is that still the case today?  
6 A Yes, it is.  
7 Q So during these daily meetings, it was  
8 important to you to know what the production was for  
9 the day before or the week before; correct?  
10 A Yes.  
11 Q You wanted to make sure that the  
12 production quotas were being met; correct?  
13 A Yes. Of course.  
14 Q You supervised things like overtime  
15 expenses to meet those production quotas; correct?  
16 A Yes, it is.  
17 Q And you would also be concerned with  
18 quality control; correct?  
19 A Yes.  
20 Q And in that regard, the number of units  
21 that may or may not have been rejected during the  
22 course of that day or prior shipments; correct?  
23 A Yes. Of course.  
24 Q And with respect to Mr. Kang, you'd want  
25 to know the details of the inventory in the warehouse;

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1 correct?  
2 A Yes. Of course.  
3 Q And the cost of the supplies; correct?  
4 A Yes, it is.  
5 Q Okay. And for Mr. Cho you'd want to know  
6 the details of the sales calls he had made; correct?  
7 A Yes. Of course.  
8 Q And the number of prospective orders that  
9 would be forthcoming; correct?  
10 A Yes.  
11 Q And ultimately you were responsible for  
12 everything that happened at both U. Lim Mexico and U.  
13 Lim America; correct?  
14 MR. BATTENFELD: I'll object to the question as  
15 being ambiguous and calling for a legal conclusion  
16 with respect to the phrase ultimately responsible.  
17 MR. GREY: And I'm not using it in a legal  
18 sense. I'm using it in a business sense.  
19 Q Ultimately in a business sense you were  
20 responsible for those two facilities or those two  
21 companies?  
22 A Yes, it is.  
23 Q Do you consider the lawsuit that has been  
24 filed against U. Lim America to be a serious issue for  
25 the business?

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1 A To some degree.  
2 Q Then why is it you were not concerned  
3 about why Mr. Cho met with Mr. Carillo or what  
4 happened at the meeting with Mr. Carillo?  
5 MR. BATTENFELD: I object to the question as  
6 misstating the witness' testimony. I don't believe  
7 there's ever been any testimony about whether he was  
8 or wasn't concerned.  
9 MR. GREY: I'll lay a foundation.  
10 Q Were you concerned about the meeting with  
11 Mr. Carillo at all?  
12 A No, not really.  
13 Q So then now to my next question. As  
14 vice-president of U. Lim America and president of U.  
15 Lim Mexico, why were you not concerned about the  
16 meeting between Mr. Cho and Mr. Carillo?  
17 A As I stated earlier, Raul used to work  
18 for our company, and then prior to that, there were  
19 frequent times that employees -- they have dinner  
20 together like that.  
21 Q But this wasn't just a dinner between  
22 friends; correct?  
23 MR. BATTENFELD: Objection, calls for  
24 speculation.  
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KANG V.  
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9 would be forthcoming; correct?  
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12 everything that happened at both U. Lim Mexico and U.  
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15 Lim Mexico, why were you not concerned about the  
16 meeting between Mr. Cho and Mr. Carillo?  
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18 for our company, and then prior to that, there were  
19 frequent times that employees -- they have dinner  
20 together like that.  
21 Q But this wasn't just a dinner between  
22 friends; correct?  
23 MR. BATTENFELD: Objection, calls for  
24 speculation.  
25 MR. GREY: You can answer.

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KANG V.  
U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 is argumentative. I also want to make sure that the  
2 witness understands that he's being asked now about a  
3 deposition involving Mr. Carillo as opposed to the  
4 meeting that Mr. Cho had with Mr. Carillo that he's  
5 already testified about.

6 BY MR. GREY:

7 Q You understand that we are talking about  
8 two separate incidents -- events; correct?

9 A Would you repeat your question?

10 Q There were two separate events; one being  
11 the meeting where Mr. Cho had dinner with Mr. Carillo,  
12 and the other being a scheduled deposition of  
13 Mr. Carillo. You understand those to be two separate  
14 events; correct?

15 A Yes.

16 Q Okay. And you indicated that Mr. Cho  
17 reported back to you about both of those events;  
18 correct?

19 A Yes.

20 Q And we are referring now to him reporting  
21 back to you after the scheduled deposition of  
22 Mr. Carillo.

23 A Yes.

24 Q And my question to you was why were you  
25 not concerned about what happened at the deposition of

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1 Mr. Carillo?

2 A I was quite busy at the time.

3 Q Were you in the United States or Mexico  
4 at the time that Mr. Cho reported this deposition to  
5 you?

6 A I don't recall.

7 Q You don't recall where you were?

8 A I do not remember whether I was in the  
9 U.S. side office or the Mexican side office.

10 Q I'm not talking about whether or not you  
11 were at your home address in San Diego or at the U.  
12 Lim facility when this was reported. I'm talking  
13 whether you were outside of either of these two  
14 countries when this was reported to you.

15 A I don't remember. The reason is I get  
16 confused. Even though I'm on this side of the  
17 country, I get report from him, Jae. Even if I am in  
18 Korea, still I get report from Jae.

19 Q Do you know whether or not the report  
20 from Jae you received was in person or not?

21 A I don't remember. I don't remember  
22 whether he reported to me on the phone or in person.

23 Q Did you ever come to learn that  
24 Mr. Carillo did not attend his deposition?

25 A No. I didn't know.

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1 Q Did you ever have a meeting with your  
2 father and other employees of U. Lim concerning this  
3 litigation at his house?

4 A No. I don't.

5 Q Did you ever have a meeting with your  
6 father and any of the other U. Lim employees  
7 concerning this litigation at any time?

8 A No.

9 Q So is it correct to say, then, that you  
10 never discussed -- let me strike that.

11 Other than reporting to your father that  
12 you had the meeting with the attorney, have you ever  
13 spoken to your father concerning this litigation at  
14 any time?

15 A No. I didn't have any. And my father  
16 has quite a busy schedule as well as I had therefor.

17 Q Did your father ever ask you whether or  
18 not any of Mr. Kang's allegations were true?

19 A No.

20 Q Now, you indicated that you're aware of  
21 the fact that Mr. Kang filed a claim for unemployment  
22 benefits; correct?

23 A Yes.

24 Q And who informed you of that?

25 A I heard from Jae.

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1 Q Did you ever indicate to Mr. Cho that you  
2 would or should oppose those unemployment benefits?

3 A No.

4 Q Do you know whether or not U. Lim ever  
5 opposed those unemployment benefits?

6 A No. I do not know.

7 Q So as we sit here today, you do not know  
8 whether or not U. Lim opposed Mr. Kang's application  
9 for unemployment benefits; is that correct?

10 THE INTERPRETER: Let me just repeat it.

11 THE WITNESS: At this moment?

12 MR. GREY: At this moment.

13 THE WITNESS: Now I know.

14 BY MR. GREY:

15 Q When did you first learn that U. Lim had  
16 opposed his unemployment benefits?

17 A I do not remember. I think maybe I may  
18 heard after he resigned -- Mr. Kang resigned.

19 Q When is your best estimate of when you  
20 heard?

21 A I don't remember since I was in Korea at  
22 the time.

23 Q Did you first learn that U. Lim opposed  
24 his unemployment benefits after Mr. Kang had filed a  
25 lawsuit?

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KANG V.  
U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 Q Okay. And at some point after which the  
2 unemployment hearing was resolved, you found out about  
3 it; correct?  
4 A Yes.  
5 Q Okay. And then I asked you whether or  
6 not you found out about it before or after you found  
7 out about the lawsuit.  
8 A I stated earlier that I found out after  
9 he filed this litigation.  
10 Q So you found out after he filed the  
11 litigation; is that correct?  
12 A Yes. Yes, it is.  
13 Q And it was Mr. Cho who informed you;  
14 correct?  
15 A Yes.  
16 Q Did he inform you as to the results of  
17 that unemployment hearing?  
18 A What result?  
19 Q Whether or not Mr. Kang was granted  
20 unemployment benefits.  
21 A No. I did not hear anything about it.  
22 Q So as we sit here today, you do not know  
23 whether or not Mr. Kang received those unemployment  
24 benefits?  
25 A Even now, I do not know.

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1 Q What is your best estimate of when  
2 Mr. Kang ceased working for U. Lim?  
3 A My recollection was when I was in Korea.  
4 I think it was in 1998, maybe March or June. I think  
5 about that time.  
6 Q Do you know why Mr. Kang ceased his  
7 employment with U. Lim America?  
8 A Would you ask me -- I do not understand  
9 the content of your question. Would you ask me that  
10 again?  
11 Q Do you know why Mr. Kang's employment  
12 came to an end at U. Lim?  
13 MR. BATTENFELD: I'll object to the question  
14 that it calls for speculation.  
15 THE WITNESS: Yes, I do.  
16 MR. GREY: What was his answer?  
17 THE INTERPRETER: "Yes, I do."  
18 BY MR. GREY:  
19 Q And why was that?  
20 MR. BATTENFELD: Same objection.  
21 THE WITNESS: I heard that he had problems with  
22 other employees, and also he was not -- did not  
23 orchestrate the work with the other managers. So if  
24 there is no action taken about it, he would not work.  
25 MR. CHO: Can you go over it again? It's

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1 confusing.  
2 MR. BATTENFELD: Is that a proper translation?  
3 MR. GREY: We've got the first translation on  
4 the record, but Mr. Cho's concerned about the  
5 translation, so we'll just repeat the question and  
6 give Tae Jin Yoon an opportunity to listen to it  
7 carefully and give the interpreter an opportunity to  
8 make sure she's absolutely precise in giving back his  
9 testimony.  
10 MR. BATTENFELD: And I think he's reporting a  
11 conversation he had with Mr. Kang, and I don't think  
12 that's been properly translated.  
13 THE INTERPRETER: I translate everything what I  
14 heard. So the problem we might have here compared to  
15 some other deponents and compared to Mr. Yoon,  
16 Mr. Yoon usually do not use subject. Whenever he  
17 makes statement, he always leaves the subject out. I  
18 or he or you is not there, so I just say what I hear.  
19 I think subject -- I want you to know that he always  
20 never say the subject. I heard or he told me or I  
21 told him. There is no subject. That's the pattern.  
22 MR. GREY: Why don't we instruct him to use a  
23 subject whenever it's appropriate to help out the  
24 interpreter.  
25 THE INTERPRETER: Yeah. Let me -- he says I is

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1 I. He never say I. He always says heard -- heard  
2 like that manner. So I am asking him try to place I  
3 heard him saying or I was told what he said. Subjects  
4 are missing.  
5 MR. GREY: Tell him to put the subjects in if  
6 it's appropriate.  
7 THE INTERPRETER: I told him that I am here to  
8 do the best job I can. What I hear, I do the  
9 verbatim. Therefore, if I don't hear any subject, I  
10 am not given any choice to make up any subject.  
11 Therefore, I want to say precisely what I heard. So  
12 try to place subjects in any sentence which I said  
13 exactly to Mr. Yoon to help me out.  
14 BY MR. GREY:  
15 Q And you understand that, Mr. Yoon?  
16 A Yes.  
17 Q So we'll go back from the beginning of  
18 the question I was asking you. Do you know the reason  
19 why Mr. Kang stopped working for U. Lim?  
20 A Yes, I do.  
21 Q And what is your understanding of why he  
22 stopped working at U. Lim?  
23 MR. BATTENFELD: And that includes explaining  
24 what caused you to have that understanding, what  
25 source -- what was the source of your understanding.

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KANG V.  
U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 other issues that you discussed with Mr. Kang other  
2 than his problems with Mr. Cho?  
3 A No. There was no other issue.  
4 Q Are you sure about that?  
5 MR. BATTENFELD: You mean -- his prior  
6 testimony was that he made reference to problems with  
7 Cho and Park and in conjunction with that an issue  
8 about overtime. Are you asking in addition to that?  
9 MR. GREY: I'll ask the question again.  
10 Q Other than his difficulties working with  
11 Mr. Cho, were there any other issues addressed in that  
12 conversation?  
13 MR. BATTENFELD: If you could also translate  
14 my --  
15 THE WITNESS: Overtime issue was there, and  
16 rotation issue was there. And after that, I don't  
17 think so.  
18 BY MR. GREY:  
19 Q Okay. What did you discuss with respect  
20 to overtime?  
21 A I informed that the overtime issue should  
22 be discussed among the department head -- managers.  
23 So meeting about it and then report it to me.  
24 Q When you are referring to department  
25 heads, you are referring to Mr. Kang, Mr. Park, and

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1 important for everybody in the room.  
2 A Of course.  
3 Q But only you know whether or not you  
4 understand the question. So if you have any concerns  
5 about the question, you should let us know so that we  
6 can clarify because at the conclusion of this  
7 deposition, you are going to get a transcript, and you  
8 are going to have an opportunity to review that  
9 transcript and make changes to it. But if you make  
10 substantive changes to it, I can comment on that at  
11 the time of trial and question your credibility.  
12 A Yes, it is.  
13 Isn't it? Is that right?  
14 Q Yes. That's right.  
15 So it's important that you give your most  
16 accurate testimony here today.  
17 A Yes. I understand that.  
18 MR. GREY: Why don't we take a two-minute  
19 break. You can collect yourself, and then we can just  
20 slow it down, and we'll make sure we can get accurate  
21 responses.  
22 MR. BATTENFELD: By this point is that he get  
23 accurate questions. That, we need to do.  
24 MR. GREY: I will -- I will help this witness  
25 give accurate testimony. I will do that if I know

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1 Mr. Cho; correct?  
2 A Yes, it is.  
3 Q And was it your understanding from that  
4 conversation that Mr. Kang believed that he should not  
5 have to work as much overtime as he was working?  
6 MR. BATTENFELD: Would you repeat the question?  
7 Could you read back the question?  
8 MR. GREY: Yeah. Read it back.  
9 (Record read.)  
10 THE INTERPRETER: I will repeat it.  
11 MR. BATTENFELD: Could you clarify that he is  
12 being asked still about the phone conversation with  
13 Mr. Kang? That's what this question is relating to.  
14 MR. GREY: Right.  
15 THE INTERPRETER: You want me to ask --  
16 MR. BATTENFELD: No. If you can clarify with  
17 the witness.  
18 THE WITNESS: No, no. Didn't have time to  
19 discuss about it, and I am confused right now. I  
20 don't understand whether -- what time, when, what  
21 question you are asking.  
22 BY MR. GREY:  
23 Q Okay. You need -- it is important in  
24 this deposition that we get your accurate testimony.  
25 It's important for you. It's important for me. It's

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1 what problems he's having with the question.  
2 (Recess taken.)  
3 BY MR. GREY:  
4 Q Mr. Yoon, are you okay to proceed?  
5 A Yeah. I'm fine.  
6 Q We are going to try to figure out where  
7 the confusion was. Okay? So let me know if you have  
8 any questions. We are talking now about the  
9 conversation you had with Mr. Kang. Okay? And these  
10 questions are going to relate to that conversation.  
11 MR. BATTENFELD: Telephone conversation?  
12 MR. GREY: Telephone conversation.  
13 Q Do you understand that?  
14 A Yes.  
15 Q Now, you indicated that in that telephone  
16 conversation Mr. Kang told you that he was having  
17 problems with Mr. Cho; correct?  
18 A Yes.  
19 Q And that you told him that he and Mr. Cho  
20 should try to work out the problems; correct?  
21 A Yes.  
22 Q And that he indicated that he understood;  
23 correct?  
24 A Yes.  
25 Q And it was your understanding when you

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KANG V.  
U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 ri, r-i -- he did not use the word of terminate.  
2 However, previously the statement Mr. Yoon made --  
3 this is my statement -- previously the statement  
4 Mr. Yoon made, he used the word "jung ri," j-u-n-g,  
5 one space, r-i. Then he explained that that word is  
6 termination. Therefore, the word he used this time  
7 was "jung ri," j-u-n-g, one space, r-i. That is  
8 taking care of. Verbatim meaning, those two words are  
9 taking care of. So I used to do something about it  
10 and then also termination because that was -- came  
11 from Mr. Yoon.

12 MR. BATTENFELD: Let me talk to Mr. Cho for a  
13 minute.

14 (Recess taken.)

15 THE WITNESS: He mentioned -- he mentioned  
16 numerous times prior to that conversation.

17 BY MR. GREY:

18 Q And what were the problems that he  
19 mentioned having with Mr. Cho?

20 A Mr. Kang stated to me that Jae does not  
21 have a good personality. He's very hard to work with,  
22 and then also he is not educated.

23 Q Did Mr. Kang ever indicate to you that he  
24 was having difficulty working with Mr. Park?

25 A I do not recall when it was. However,

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1 A I do not pay attention when the issue is  
2 termination.

3 Q Did you pay attention when the issue was  
4 just a problem with them working together?

5 A Are you talking about among managers?

6 Q Well, you indicated you did not pay  
7 attention when the issue was termination; correct?

8 A Yes.

9 Q I'm asking you did you pay attention when  
10 the issue wasn't termination, but just them working  
11 together?

12 A I do not understand.

13 Q Well, maybe I don't understand, but it  
14 was my understanding of your answer that what you are  
15 saying is you didn't pay attention to the discussions  
16 about termination in that you didn't give that serious  
17 consideration. Is that true?

18 A Yes, yes. It's correct.

19 Q So what I'm asking you is the underlying  
20 problem between Mr. Kang and Mr. Cho, did you give  
21 consideration or attention to that problem?

22 A Yes. I do.

23 Q And what specifically was your  
24 understanding of the main problem between Mr. Kang and  
25 Mr. Cho?

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1 Mr. Kang stated to me that Mr. Park also is  
2 uneducated. So it's very hard to work with and also  
3 hard to converse.

4 Q Was this telephone conversation you had  
5 with Mr. Kang -- last telephone conversation, was this  
6 the first time he ever asked you to terminate Mr. Cho?

7 A I do not recall when they were, but --  
8 however, prior to that time, I heard numerous times  
9 about that issue from Mr. Kang.

10 Q Just to clarify, but he never asked you  
11 to terminate Mr. Cho before; is that correct?

12 MR. BATTENFELD: I don't think that's what he  
13 said.

14 THE WITNESS: Would you repeat it?

15 MR. BATTENFELD: What he's trying to find out  
16 is whether or not in these prior conversations  
17 Mr. Kang asked Mr. Yoon to fire Mr. Cho.

18 MR. GREY: Yes.

19 MR. BATTENFELD: That's the question.

20 THE WITNESS: Yes.

21 BY MR. GREY:

22 Q And how many times did he ask that?

23 A I cannot recall, but I think it was about  
24 five or six times.

25 Q And I assume each time you refused?

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1 A Not particularly. I thought it was just  
2 something work related.

3 Q We are talking about work. So  
4 work-related issues are important. So what was it?

5 A For example -- for instance, the raw  
6 material came too late, or --

7 THE INTERPRETER: Now I have to ask him.

8 THE WITNESS: We have a complete products piled  
9 up in our warehouse lot, and we have less of raw  
10 materials work related. You can have some problems  
11 like when those are related like that -- like such as  
12 those.

13 BY MR. GREY:

14 Q After the telephone conversation you came  
15 to have an understanding that Mr. Kang stopped coming  
16 to work at U. Lim; correct?

17 A Yes, it was.

18 Q And who told you he had stopped coming to  
19 work?

20 A I don't recall. I think that I called  
21 the company, and then I asked for him -- I asked for  
22 him.

23 Q And what?

24 A Then I was told that he didn't come to  
25 work.

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KANG V.  
U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 Q So that proposal was acceptable to you if  
2 the other department heads agreed?  
3 A I do not -- I did not have the response  
4 about it. I do not understand your question. Would  
5 you repeat it?  
6 Q Well, he brought up the issue of rotating  
7 the managers to do the overtime; correct?  
8 A Mr. Kang?  
9 Q Yes.  
10 A Yes.  
11 Q And you responded that he should have a  
12 meeting with the other department heads to discuss  
13 that proposal; correct?  
14 A Yes.  
15 Q Okay. So when you suggested that he have  
16 this meeting --  
17 MR. BATTENFELD: Just to complete what his  
18 testimony was, his testimony was that he instructed  
19 Mr. Kang to then report back to him after they had --  
20 MR. GREY: Well, that's not my question.  
21 MR. BATTENFELD: But you didn't complete what  
22 his testimony was on that issue, and that is his  
23 complete testimony on that issue.  
24 MR. GREY: I don't have to complete all his  
25 testimony.

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1 MR. BATTENFELD: You do if you are trying to  
2 ask a question that is related to that chronology.  
3 MR. GREY: No, I don't.  
4 Q Next question is --  
5 MR. BATTENFELD: Could you please translate my  
6 comments?  
7 BY MR. GREY:  
8 Q When you told Mr. Kang that he should  
9 have this meeting with the other department heads, did  
10 that mean to you that it was an acceptable proposition  
11 if the other department heads agreed?  
12 MR. BATTENFELD: And I'll object that the  
13 question is an incomplete hypothetical.  
14 THE WITNESS: Would you repeat the question?  
15 BY MR. GREY:  
16 Q Mr. Kang raised the issue of rotating the  
17 managers to perform overtime; correct?  
18 A Yes.  
19 Q Okay. And you told him to have a meeting  
20 with the other department heads to discuss his  
21 proposal; correct?  
22 A Yes.  
23 Q My question to you is did that mean that  
24 the proposal was acceptable to you if it was  
25 acceptable to the department heads?

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1 THE INTERPRETER: I don't understand.  
2 Acceptable to other department heads?  
3 MR. GREY: Just read back the question.  
4 MR. BATTENFELD: If the translator doesn't even  
5 understand the question, obviously the witness isn't  
6 going to.  
7 MR. GREY: Well, that's true.  
8 (Record read.)  
9 THE WITNESS: The question now is different  
10 than the previous question you had.  
11 MR. GREY: Well, just --  
12 THE WITNESS: So what -- would you repeat about  
13 that again?  
14 THE INTERPRETER: Do you want me to repeat it?  
15 MR. GREY: Read the question.  
16 All we are concerned about now is the  
17 question that is being posed that we are going to read  
18 it again.  
19 (Record read.)  
20 THE WITNESS: Yes. Of course.  
21 BY MR. GREY:  
22 Q Now, you indicated that this was the only  
23 time you talked to Mr. Kang about the overtime issue;  
24 correct?  
25 A I remember hearing about it only once.

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1 Q When you say "hearing about it," are you  
2 referring to the conversation that we were just  
3 talking about between you and Mr. Kang?  
4 A Are you talking about the previous  
5 conversation?  
6 Q You mentioned talking to Mr. Kang once  
7 about the overtime issue; correct?  
8 A Yes.  
9 MR. BATTENFELD: And the rotation proposal so  
10 that we can be clear on what we are talking about.  
11 MR. GREY: I think it was overtime, slash,  
12 rotation. Both.  
13 THE WITNESS: Overtime and then rotation. That  
14 conversation only once.  
15 BY MR. GREY:  
16 Q Okay. And then I said did you ever speak  
17 to him again regarding the overtime, and the answer to  
18 that is no; is that correct?  
19 A It's correct. No.  
20 Q Do you know whether or not the department  
21 heads ever had a meeting about his proposal?  
22 A No. I don't know.  
23 Q Okay. Do you know whether or not the  
24 department heads at any point in time after this  
25 conversation began to rotate overtime?

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U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 Q Did he ask you about the lawsuit?  
2 A No, he didn't.  
3 Q He didn't ask you any details about the  
4 lawsuit?  
5 THE INTERPRETER: What is that?  
6 MR. GREY: Any details about the lawsuit.  
7 THE WITNESS: No. He did not ask about the  
8 details.  
9 BY MR. GREY:  
10 Q Well, you indicated that he asked whether  
11 or not it was true. Was he referring simply that  
12 Mr. Kang sued U. Lim or true with respect to certain  
13 allegations?  
14 A The litigation has been filed -- no. The  
15 lawsuit has been filed or not.  
16 Q Did he ever suggest to you that you  
17 should speak with Mr. Kang?  
18 A Oh, Mr. Chung told me that he met  
19 Mr. Kang and heard about it.  
20 Q Did Mr. Chung ever tell you that you  
21 should speak directly with Mr. Kang about the lawsuit?  
22 A Yes. He mentioned about it.  
23 Q And what was his reason that he suggested  
24 you should speak to Mr. Kang?  
25 MR. BATTENFELD: And I'll object that the

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1 question calls for speculation.  
2 THE WITNESS: I do not know.  
3 MR. GREY: What was his answer?  
4 MR. BATTENFELD: His answer was "I don't know."  
5 THE INTERPRETER: "I don't know."  
6 BY MR. GREY:  
7 Q And when he told you you should speak  
8 with Mr. Kang, what was your response?  
9 A I didn't say anything.  
10 Q Remember the meeting that you testified  
11 to where Mr. Park met with Mr. Kang? Remember the  
12 meeting you testified to where Mr. Park met with  
13 Mr. Kang?  
14 A Yes.  
15 Q Do you know whether or not Mr. Chung  
16 phoned Mr. Park or Mr. Kang during that meeting?  
17 A You are talking the Daily newspaper  
18 Mr. Chung?  
19 Q Yes.  
20 A I do not know.  
21 Q You weren't present when Mr. Chung --  
22 when Kwan Chung phoned Mr. Park or Mr. Kang during  
23 that meeting?  
24 A No. I was not.  
25 Q Did you talk about anything else in this

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1 meeting with Mr. Chung where he indicated you should  
2 speak to Mr. Kang?  
3 A No.  
4 Q Did you ever talk to Mr. Chung again  
5 about anything to do with this lawsuit?  
6 A No. I did not.  
7 Q And when you had this meeting with  
8 Mr. Chung, was that telephonic, or was it in person?  
9 A Which conversation?  
10 Q The conversation where Mr. Chung told you  
11 you should meet with Mr. Kang.  
12 A I don't remember. Could be at the office  
13 or at home. I do not recall.  
14 Q Do you recall if anybody was present  
15 other than you and Mr. Chung?  
16 A No.  
17 Q And you mentioned which meeting. Was  
18 there more than one meeting or just this meeting with  
19 Mr. Chung regarding any aspect of the lawsuit?  
20 A Only one time.  
21 MR. GREY: It's 4:20. Let's take a five-minute  
22 break.  
23 (Recess taken.)  
24 BY MR. GREY:  
25 Q We normally do these sorts of questions

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1 at the beginning, but your testimony was just so  
2 interesting that I skipped it, but I'm just going to  
3 go through some basic background information.  
4 You were born in Korea; correct?  
5 A Yes.  
6 Q And when did you come to the United  
7 States permanently?  
8 A In 1992.  
9 Q And are you presently a U.S. citizen?  
10 A No. I am a permanent resident.  
11 Q And did you graduate high school?  
12 A Yes.  
13 Q And you graduated high school in Korea;  
14 correct?  
15 A Yes.  
16 Q Did you go to college?  
17 A Yes.  
18 Q And did you go to college in Korea?  
19 A Yes, yes. Yes.  
20 Q And did you obtain a degree in college?  
21 A No. I did not.  
22 Q How long did you attend?  
23 A Two years.  
24 Q And was your first job coming out of  
25 college working for U. Lim Korea?

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KANG V.  
U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 Q As part of a business trip; correct?  
2 A Yes.  
3 Q But you didn't begin working for U. Lim  
4 America directly or U. Lim Mexico at that time;  
5 correct?  
6 A I did more like analyzing the facilities.  
7 Q But you need to obtain your visa first to  
8 begin officially working for U. Lim America; is that  
9 correct?  
10 A Yes.  
11 Q Okay. And when did you officially begin  
12 your duties at U. Lim America, U. Lim Mexico?  
13 A You can say that after -- six months  
14 after that date because it took that long to obtain  
15 the visa.  
16 Q So somewhere approximately in August of  
17 '92 or '93?  
18 A If you look between four to five -- I  
19 think if you look at five months. You can say about  
20 June.  
21 Q And when you began working for U. Lim  
22 America, what was your title?  
23 A Are you talking about after I obtained  
24 the visa?  
25 Q Yes. When you officially began working

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1 A C-h-i-n.  
2 Are you talking about Korean personnels  
3 or managers, or what -- what kind of people are you  
4 talking about?  
5 Q I'm talking about the employees of U. Lim  
6 America.  
7 MR. BATTENFELD: You are asking people who were  
8 actually employed by U. Lim America as opposed to --  
9 MR. GREY: U. Lim Mexico.  
10 MR. BATTENFELD: Or individuals who were over  
11 visiting?  
12 MR. GREY: I'm asking about U. Lim America, who  
13 was actually employed by U. Lim America.  
14 MR. BATTENFELD: So he's excluding anybody who  
15 worked for the Korean company who was on a business  
16 trip.  
17 THE WITNESS: So you are excluding that?  
18 BY MR. GREY:  
19 Q Why don't we do this. To save us two  
20 questions, tell me who was actually working there, and  
21 then tell me who was employed by U. Lim America and  
22 who was on an assignment from U. Lim Korea.  
23 A Business trip from U. Lim Korea, the  
24 people I mentioned and the president. I think Jae  
25 came in 1993. Three of us first.

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1 for U. Lim America.  
2 A Vice-president.  
3 Q And you officially began working for U.  
4 Lim Mexico at the same time; correct?  
5 A Yes.  
6 Q And your title at U. Lim Mexico was what?  
7 A President.  
8 Q Was there any reason why you were  
9 vice-president of U. Lim America and president of U.  
10 Lim Mexico?  
11 A No. There is no reason.  
12 Q Who was the president of U. Lim America  
13 when you started working there?  
14 A My father.  
15 Q And he was also the CEO of U. Lim  
16 America; correct?  
17 A Yes.  
18 Q And he was the CEO of U. Lim Mexico;  
19 correct?  
20 A Yes, it is.  
21 Q And when you first began your employment  
22 at U. Lim America, who was employed at U. Lim America  
23 other than yourself?  
24 A Mr. Ko, Mr. Kim, Mr. Cheong, Mr. Chin.  
25 Q J-i-n?

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1 Q So all the persons other than yourself at  
2 U. Lim America were actually on assignment from U. Lim  
3 Korea when you first started working there; correct?  
4 A Yes.  
5 Q And so they were considered temporary  
6 employees for purposes of U. Lim America?  
7 MR. BATTENFELD: I'll object to the question to  
8 the extent it calls for a legal conclusion.  
9 THE WITNESS: I do not know about that.  
10 BY MR. GREY:  
11 Q Well, was it intended that either Mr. Ko  
12 or Mr. Kim or Mr. Chin were going to become permanent  
13 employees of U. Lim America?  
14 A I don't know about that.  
15 Q When you started off as vice-president  
16 for U. Lim America, part of your duties was to staff  
17 U. Lim America; correct?  
18 A Yes.  
19 Q And as part of those duties you hired  
20 Mr. Cho; correct?  
21 A Yes.  
22 Q Okay. Did you have the intention of  
23 replacing Mr. Ko, Mr. Kim, and Mr. Chin with other  
24 employees?  
25 A They were on business trips. So instead

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KANG V.  
U. LIM AMERICA

TAE JIN YOON  
02/01/00

1 STATE OF CALIFORNIA            )  
                                      : ss  
2 COUNTY OF SAN DIEGO         )

3  
4               I, the undersigned, a Certified Shorthand  
5 Reporter of the State of California, do hereby  
6 certify:

7               That the foregoing proceedings were taken  
8 before me at the time and place herein set forth; that  
9 any witnesses in the foregoing proceedings, prior to  
10 testifying, were placed under oath; that a verbatim  
11 record of the proceedings was made by me using machine  
12 shorthand which was thereafter transcribed under my  
13 direction; further, that the foregoing is an accurate  
14 transcription thereof.

15              I further certify that I am neither  
16 financially interested in the action nor a relative or  
17 employee of any attorney of any of the parties.

18              IN WITNESS WHEREOF, I have this date  
19 subscribed my name.

20  
21              Dated: \_\_\_\_\_

22  
23                                    \_\_\_\_\_  
24                                   JESSICA E. MASSE  
25                                   CSR No. 9910

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KANG V.  
U. LIM AMERICA

TAE JIN YOON, VOL 2  
02/02/00

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3  
4 SOO CHEOL KANG, )  
5 Plaintiff, )  
6 vs. ) No. 99 CV659 JM  
7 U. LIM AMERICA, INC.; TAE JIN )  
8 YOON, an individual; and DOES )  
9 1 to 100, )  
10 Defendants. )  
11  
12  
13  
14  
15 DEPOSITION OF TAE JIN YOON  
16 San Diego, California  
17 Wednesday, February 2, 2000  
18 Volume 11  
19  
20  
21  
22  
23  
24 Reported by:  
25 RENEE K. PAPIERNIAK  
CSR No. 7056  
JOB No. 12437

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3  
4 SOO CHEOL KANG, )  
5 Plaintiff, )  
6 vs. ) No. 99 CV659 JM  
7 U. LIM AMERICA, INC.; TAE JIN )  
8 YOON, an individual; and DOES )  
9 1 to 100, )  
10 Defendants. )  
11  
12  
13  
14  
15 Deposition of TAE JIN YOON,  
16 taken on behalf of Plaintiff, at 501  
17 West Broadway, Suite 1300, San Diego,  
18 California, beginning at 9:43 a.m.  
19 and ending at 3:26 p.m. on Wednesday,  
20 February 2, 2000, before RENEE K. PAPIERNIAK,  
21 Certified Shorthand Reporter No. 7056.  
22  
23  
24  
25

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U. LIM AMERICA

TAE JIN YOON, VOL 2  
02/02/00

1 A He only worked about three months there  
2 so I do not remember.  
3 Q What's your best estimate of when he  
4 worked there?  
5 MR. BATTENFELD: If you can give one.  
6 THE WITNESS: I do not remember.  
7 BY MR. GREY:  
8 Q Was it during the course of Mr. Kang's  
9 employment?  
10 A I do not remember.  
11 Q Do you know if he worked while Mr. Chung  
12 worked there?  
13 A No.  
14 Q No, he didn't or, no, you don't know?  
15 A No, they did not work together.  
16 Q And what was his position that he was  
17 hired for?  
18 THE INTERPRETER: We are talking about two  
19 different men, so can you give me the names?  
20 MR. GREY: Teddy Baek.  
21 THE WITNESS: At the time his employment was  
22 temporary and then, also, he was the -- more like the  
23 training.  
24 BY MR. GREY:  
25 Q What was he in training to become?

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1 Yoon or Tae Jin Yoon had authority to hire people at  
2 U. Lim America.  
3 MR. GREY: Yes.  
4 THE INTERPRETER: I didn't say U. Lim America  
5 because Mr. Grey did not include the word America, so  
6 I said U. Lim. However, the question has been  
7 translated correctly.  
8 MR. BATTENFELD: Mr. Cho believes that the  
9 question was asked was there any one higher than  
10 Mr. Yoon, precisely translated in that way.  
11 THE INTERPRETER: No, my question was -- my  
12 translation was besides Tae Jin Yoon is there anybody  
13 else, except I --  
14 MR. GREY: Let's not argue about it. Let me  
15 ask the question again.  
16 THE INTERPRETER: I can do it again.  
17 BY MR. GREY:  
18 Q Was there anyone, other yourself and Ki  
19 Wa Yoon, at U. Lim America who had the authority to  
20 hire personnel for U. Lim America?  
21 A No.  
22 Q Okay. So, ultimately, if someone was  
23 going to be hired you would make the decision to hire  
24 them. Correct?  
25 A Yes, it is.

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1 A The materials.  
2 Q Materials. What department is the  
3 materials?  
4 A Purchase.  
5 Q And was he hired for the same reason that  
6 Mr. Chung was hired, due to the increased sales?  
7 A I do not remember.  
8 Q You were responsible for hiring all  
9 U. Lim employees. Correct?  
10 MR. BATTENFELD: Object to the question as  
11 misstating the witness's prior testimony.  
12 BY MR. GREY:  
13 Q You can answer.  
14 A I do not know.  
15 Q Well, was there anyone, other than you,  
16 at U. Lim America, excepting Ki Wa Yoon, who had the  
17 ability to hire new personnel at U. Lim America?  
18 MR. BATTENFELD: Just for clarification, you  
19 were talking about U. Lim America as opposed to U. Lim  
20 Mexico?  
21 MR. GREY: Yes.  
22 MR. BATTENFELD: Okay. I think she made a  
23 mistake. According to Mr. Cho, she may not have  
24 translated the question as I understand your question.  
25 It's whether anyone other than Mr. Ki Wa

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1 Q So ultimately, then, at some point in  
2 time you made the decision to hire Teddy Baek.  
3 Correct?  
4 A Yes, it was.  
5 Q Okay. And do you have any recollection  
6 as to why you hired Teddy Baek?  
7 A That was preparation for the future.  
8 Q And what were you preparing for?  
9 A It takes more than six months to learn a  
10 line of work.  
11 Q You anticipated a need to have Teddy Baek  
12 or someone like him. Correct?  
13 THE INTERPRETER: I do not understand "someone  
14 like him."  
15 MR. GREY: I'll rephrase the question.  
16 BY MR. GREY:  
17 Q You had a need to hire someone for the  
18 purchasing department. Correct?  
19 A Yes.  
20 Q And was that because there was an  
21 increase in purchasing orders that were occurring?  
22 A Expected to have increase purchasing.  
23 Q When Mr. Kang left U. Lim's employment,  
24 who took over his position?  
25 A Yoon.

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U. LIM AMERICA

TAE JIN YOON, VOL 2  
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1 worked for U. Lim America in any capacity before  
2 Mr. Kang left his employment with U. Lim America?  
3 A Yes, I do.  
4 Q And what work did he do for U. Lim prior  
5 to Mr. Kang leaving his employment?  
6 A An accountant or accounting.  
7 Q Did he do all of the accounting for  
8 U. Lim America?  
9 A Yes, it was.  
10 Q And when was he first employed as U. Lim  
11 America's accountant or for the accounting?  
12 THE INTERPRETER: Did you say accountant or  
13 accounting?  
14 MR. GREY: Both.  
15 MR. BATTENFELD: I'll object to the question as  
16 assuming a fact that this witness has not testified  
17 to, and that is, whether Mr. Yu Sik Yoon was employed  
18 by U. Lim America to perform accounting work as  
19 opposed to -- as opposed to performing that work in  
20 some other capacity.  
21 BY MR. GREY:  
22 Q If there is a difference you can clarify.  
23 A He did accounting work.  
24 Q Was he, in fact, an employee of U. Lim  
25 America when he did this accounting work?

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1 A Yes.  
2 Q And when was he first employed by U. Lim  
3 America to do this accounting work?  
4 A I cannot remember.  
5 Q What's your best estimate?  
6 A I cannot remember.  
7 Q Well, did he start doing this work as  
8 early as 1994?  
9 A I don't remember.  
10 Q Do you recall who the person was who did  
11 the work before Yu Sik Yoon, if there was anyone? And  
12 I'm referring to the accounting.  
13 A I did that.  
14 Q Other than Mr. Kang, Mr. Kim, Mr. Jin,  
15 Mr. Cho, Mr. Park, Mr. Kang, Mr. Chung, Mr. Baek, and  
16 Yu Sik Yoon, was there any other person employed by  
17 U. Lim America at any time from beginning of its  
18 operations to the time that Mr. Kang left employment  
19 with U. Lim?  
20 THE INTERPRETER: Before I start to translate,  
21 let me check the names. Kang, Ko, Kim, Jin, Park,  
22 Chung, Baek.  
23 MR. BATTENFELD: And I'll object to the  
24 question as stating facts that were not testified to  
25 by this witness because some of the individuals Mr.

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1 Grey has just identified were identified by the  
2 witness as having been employed by U. Lim Korea rather  
3 than U. Lim America.  
4 THE WITNESS: I do not know.  
5 BY MR. GREY:  
6 Q You do not know if there was any other  
7 individuals?  
8 A No, there -- it no one.  
9 Q Your native language is, obviously,  
10 Korean. Correct?  
11 A Yes, it is.  
12 Q And that's the only language that you're  
13 fluent in. Correct?  
14 A Yes, it is.  
15 Q Can you read or write English?  
16 A Very little.  
17 MR. BATTENFELD: I'm sorry, can you repeat the  
18 last question.  
19 (Record read.)  
20 BY MR. GREY:  
21 Q And can you speak English?  
22 A Little.  
23 Q And can you speak Spanish?  
24 A No, I do not.  
25 Q Mr. Park was first employed by U. Lim

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1 Korea. Correct?  
2 A Yes, it is.  
3 Q And how long had you know Mr. Park prior  
4 to him being employed by U. Lim America?  
5 A Since 13 years old.  
6 Q Since you were 13 years old?  
7 A Yes, it is.  
8 Q As a result of that, would you consider  
9 Mr. Park to be a close friend?  
10 A Yes, it is.  
11 Q And how long did you know Mr. Bo Won  
12 Chung before he was employed by U. Lim?  
13 A About the same time.  
14 Q And would you consider Mr. Chung to be a  
15 close friend?  
16 A He was a school friend when I was 13  
17 years old, and after then, in 1997, I saw him since  
18 then again.  
19 Q Do you consider him to be a close friend?  
20 A Yes, he is.  
21 Q Did you know Teddy Baek before you hired  
22 him?  
23 A No, I didn't know him.  
24 Q Did you know Mr. Kang before you hired  
25 him?

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U. LIM AMERICA

TAE JIN YOON, VOL 2  
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1 America name. Correct?  
2 A President and then the vice-president.  
3 Who else?  
4 Q I'll back you up.  
5 The department heads were Mr. Cho,  
6 Mr. Kang, and Mr. Park during Mr. Kang's employment.  
7 Correct?  
8 A Yes, it was.  
9 Q And you were the vice-president of U. Lim  
10 America. Correct?  
11 A Yes, it was.  
12 Q And all of those persons were paid by  
13 U. Lim America, correct, including yourself?  
14 A Yes, it was.  
15 Q And what I'm asking you is, why were  
16 these key management personnel not hired under U. Lim  
17 Mexico?  
18 A Why were --  
19 MR. BATTENFELD: And I'll object to the  
20 question to the extent it calls for a legal  
21 conclusion.  
22 THE WITNESS: I do not know.  
23 BY MR. GREY:  
24 Q You have no idea why the managers or the  
25 department heads were hired under U. Lim America as

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1 Q Sergio.  
2 A Yes, there was.  
3 Q And who did he report to?  
4 A Mr. Kang.  
5 Q So isn't it true that all the supervisors  
6 at U. Lim Mexico ultimately reported to the managers  
7 of U. Lim America?  
8 A What do you mean "report"?  
9 Q Mr. Cho reports to you because you're his  
10 boss. Correct?  
11 A Yes, it is.  
12 Q And Mr. Coria reports to Mr. Park because  
13 Mr. Park was Mr. Coria's boss?  
14 A Yes, it is.  
15 Q So my question to you is, wasn't it true  
16 that all of the supervisors at U. Lim Mexico  
17 ultimately reported to a U. Lim America manager as  
18 their boss?  
19 A Not always.  
20 Q Well, who at U. Lim Mexico did not report  
21 to a U. Lim America manager?  
22 A Lulu.  
23 Q But you say she reports to you. Correct?  
24 A And I am the president of Mexico.  
25 Q Are you paid by U. Lim Mexico or U. Lim

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1 opposed to U. Lim Mexico?  
2 A The Mexico facility also hired key  
3 managers too.  
4 Q But all of the managers at the Mexico  
5 facility were underneath the managers at U. Lim  
6 America. Correct?  
7 A You cannot say that.  
8 Q What managers are you referring to at  
9 U. Lim Mexico?  
10 A Such as accounting.  
11 Q Who was the accounting manager of U. Lim  
12 Mexico?  
13 A Lulu.  
14 Q And who was Lulu's boss?  
15 A I.  
16 Q And what other managers were you  
17 referring to at U. Lim Mexico?  
18 A I don't remember.  
19 Q Was Raul Coria a manager?  
20 A Yes, he was a manager.  
21 Q And who did he report to?  
22 A Mr. Park at the production.  
23 Q Was there another manager by the name of  
24 Sergio?  
25 A Who?

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1 America, or both?  
2 A By U. Lim America.  
3 Q So my question to you is, when you set up  
4 the two -- or aided in setting up the two different  
5 companies, what was the reason for putting the key  
6 managers in U. Lim America as opposed to U. Lim  
7 Mexico?  
8 A There is no special reason.  
9 Q Is it easier to get a work visa for  
10 Mexico or for the U.S. coming from Korea?  
11 A I do not know.  
12 Q Did U. Lim America help Mr. Park obtain a  
13 work visa?  
14 A What do you mean when you say, did it  
15 help him?  
16 Q Well, did you help him fill out any  
17 applications, did you sponsor him, did you pay any  
18 fees associated with his work visa?  
19 A Yes, it is.  
20 Q And did you help Mr. Chung obtain a work  
21 visa?  
22 A Yes.  
23 Q Why did you help him obtain a U.S. work  
24 visa as opposed to a Mexico work visa?  
25 A No, there is no reason.

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U. LIM AMERICA

TAE JIN YOON, VOL 2  
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1 BY MR. GREY:

2 Q And what was the reason for setting up  
3 the separate U. Lim America corporation for the  
4 management?

5 A I do not know.

6 Q So as president of U. Lim Mexico and as  
7 vice-president of U. Lim America, you don't know why  
8 there were two separate corporations. Is that true?

9 A I do not know at the beginning the state  
10 or status, since I came to work here after initial  
11 setting up -- set up was done by Yoe Su Kim.

12 Q Now, I'm not talking about the initial  
13 set up. I'm just saying as president of U. Lim Mexico  
14 and as vice-president of U. Lim America, as you sit  
15 here today, do you know why two separate corporations  
16 were established to produce the U. Lim product at the  
17 subject location?

18 A Activate the sales.

19 Q Can you explain your answer?

20 A The Mexican facility that -- can be  
21 active with the business entities in that area,  
22 American entity also can be active with the business  
23 entities in this area.

24 Q "In this area" you mean the U.S.?

25 A Yes, it is.

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1 BY MR. GREY:

2 Q Are you aware of any reason why U. Lim  
3 Mexico could not sell to other companies located in  
4 Mexico?

5 A I think you can sell but do not sell now.

6 MR. BATTENFELD: Don't guess.

7 BY MR. GREY:

8 Q Why has U. Lim Mexico not sold any of its  
9 products directly to any other company other than U.  
10 Lim America?

11 A I do not know.

12 Q When I started this questioning I asked  
13 you why there were two separate corporations set up,  
14 that being U. Lim Mexico and U. Lim America sharing  
15 the same facility. And you indicated that, I believe,  
16 the reason was that the Mexican facility could be  
17 active with Mexico companies and the American company  
18 could be active with companies in the U.S. Is that  
19 correct?

20 MR. BATTENFELD: And I'll object to the  
21 question, that it misstates the prior testimony.

22 MR. GREY: He indicated the U.S. corporation  
23 could be active in U.S. sales.

24 MR. BATTENFELD: No, you added to it.

25 BY MR. GREY:

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1 Q You sell to both companies that are  
2 located in Mexico and the United States. Correct?

3 A Yes, it is.

4 Q And U. Lim Mexico actually produces all  
5 of the products sold by U. Lim America. Correct?

6 A Yes, it is.

7 Q And, in fact, U. Lim Mexico's only  
8 customer is U. Lim America. Correct?

9 A Yes, it is.

10 Q So all of the goods that are sold to  
11 either companies in Mexico or the United States are  
12 sold through U. Lim America. Correct?

13 A Yes, it is.

14 Q So the U. Lim Mexico corporation is not,  
15 in fact, active with any other companies in Mexico  
16 other than U. Lim America. Correct?

17 A Yes, it is.

18 Q Yes, it is not?

19 A That means do not do any business.

20 Q Is there any reason why U. Lim Mexico  
21 could not sell goods to companies other than U. Lim  
22 America?

23 MR. BATTENFELD: I'll object to the question to  
24 the extent it calls for a legal conclusion.

25 THE WITNESS: I do not know.

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1 Q Is that a correct statement?

2 A Would you repeat?

3 (Record read.)

4 MR. BATTENFELD: Same objection, that the  
5 question misstates the witness's prior testimony.

6 MR. BATTENFELD: The prior testimony had to  
7 only do with the U.S. corporation making U.S. sales.

8 BY MR. GREY:

9 Q Is that a correct statement?

10 MR. BATTENFELD: Which?

11 MR. GREY: Mine. My question.

12 THE WITNESS: I do not know.

13 BY MR. GREY:

14 Q Well, as you've indicated, the Mexican  
15 facility is not active with Mexican companies or U.S.  
16 companies, other than U. Lim America. Correct?

17 A Yes.

18 Q And all the sales are conducted through  
19 U. Lim America. Correct?

20 A Yes.

21 Q So do you know of any reason why two  
22 separate corporations were established to produce  
23 these goods?

24 MP. BATTENFELD: And I'll object to the  
25 question as being asked and answered and as calling

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U. LIM AMERICA

TAE JIN YOON, VOL 2  
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1 Q And do you have any employees at U. Lim  
2 Mexico employed in the purchasing department?  
3 A Yes.  
4 Q And approximately how many?  
5 A About two.  
6 Q And are all the other U. Lim Mexico  
7 employees employed in the capacity of production?  
8 A There are -- the employees are divided  
9 into two. One is direct and another one is indirect.  
10 Q I'm just trying to get a feel for the  
11 employment of U. Lim Mexico. And the majority of the  
12 workers are employed in what type of area?  
13 A Of course it's in production department.  
14 Q And approximately how many do you have  
15 currently in production?  
16 A You're asking only production department?  
17 Q Production.  
18 A Average about 100.  
19 Q And then you just have a few people in  
20 sales and a few people doing purchasing duties.  
21 Correct?  
22 A Yes, it is.  
23 Q Now, the production personnel are  
24 supervised by line supervisors. Correct?  
25 A Yes, it is.

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1 Q And each production line will have a line  
2 supervisor. Correct?  
3 A Yes.  
4 Q And what's the next level above line  
5 supervisor?  
6 A Assistant manager.  
7 Q And then the next level above assistant  
8 manager would be one of the department heads at U. Lim  
9 America. Is that correct?  
10 A No. Mexican manager in the Mexican  
11 facility.  
12 Q Okay. So there is a managerial level  
13 above assistant manager at U. Lim Mexico?  
14 A And then after that Mr. Park controls  
15 the -- everything.  
16 Q So you have three levels of manager at  
17 U. Lim Mexico, line supervisor, assistant manager, and  
18 manager. Is that correct?  
19 A Yes, it is.  
20 Q And ultimately the manager in charge of  
21 production would report to Mr. Park at U. Lim America?  
22 A Yes, it is.  
23 Q Okay. During Mr. Kang's employment, was  
24 this the same managerial structure you had at U. Lim  
25 Mexico?

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1 Q And is that the lowest supervisory level  
2 that you have at U. Lim Mexico?  
3 A Yes, it is.  
4 Q And what's the next supervisory level  
5 that you have at U. Lim Mexico?  
6 A You're talking about from above to bottom  
7 or bottom up?  
8 Q From bottom up.  
9 A Next of the supervisor you can say clerk.  
10 Q We don't usually refer to a clerk as a  
11 supervisor. Is that what -- are you correct in your  
12 answer?  
13 A See, there is the position who controls  
14 for the supervisor and then above that person who  
15 controls supervisor is assistant manager.  
16 Q Just try to go in order from the lowest  
17 employees, the production employee, who is  
18 manufacturing the goods. Correct?  
19 MR. BATTENFELD: You're just asking about the  
20 production area right now?  
21 MR. GREY: Right.  
22 BY MR. GREY:  
23 Q You divide them up into different  
24 production lines. Correct?  
25 A Yes, it is.

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1 A Yes, it is.  
2 Q Okay. And do you know the names of the  
3 managers at U. Lim Mexico during Mr. Kang's  
4 employment?  
5 A I do not remember.  
6 Q If you don't remember their names, do you  
7 still have a picture of them in your mind?  
8 A I do not.  
9 Q Do you know whether or not the managers  
10 employed at U. Lim Mexico have always been male?  
11 A I do not remember.  
12 Q Do you know whether or not the assistant  
13 manager employed at U. Lim Mexico has always been  
14 male?  
15 A That also I don't remember.  
16 Q Finally, do you know whether or not the  
17 line supervisors at U. Lim Mexico have always been  
18 male?  
19 A That also I do not remember.  
20 Q Do you have a specific -- well, are you  
21 the one who hires the managers at U. Lim Mexico?  
22 A No.  
23 Q Who does that?  
24 A Each department, the head of the  
25 department does.

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U. LIM AMERICA

TAE JIN YOON, VOL 2  
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1 MR. BATTENFELD: What is the question?  
2 BY MR. GREY:  
3 Q What were the sales of U. Lim Mexico to  
4 U. Lim America in 1993?  
5 MR. BATTENFELD: I'll object to the question as  
6 ambiguous.  
7 What do you mean by "what were the  
8 sales"? Do you mean what did U. Lim Mexico charge  
9 U. Lim Korea?  
10 BY MR. GREY:  
11 Q U. Lim Mexico sold goods to U. Lim  
12 America. Correct?  
13 A U. Lim America hires U. Lim Mexico as  
14 subcontractor.  
15 Q Did U. Lim Mexico sell individually its  
16 products to U. Lim America?  
17 A U. Lim America hires U. Lim Mexico as  
18 subcontractor. When U. Lim America has a production  
19 request U. Lim America hires U. Lim Mexico to produce  
20 those items.  
21 Once U. Lim Mexico produced those items,  
22 they give back to U. Lim America, then U. Lim America  
23 sells those products.  
24 When the sale's complete from the  
25 proceeds, U. Lim America pays only 1 percent of total

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1 gross sale to U. Lim Mexico.  
2 Q One percent of gross sales?  
3 A Gross sale profit.  
4 That is the transaction that we are  
5 talking about, U. Lim Mexico sells to U. Lim America.  
6 Q Let me just understand some basics. The  
7 goods that are used to produce the products sold by  
8 U. Lim America, are those goods purchased by U. Lim  
9 America or purchased by U. Lim Mexico?  
10 THE INTERPRETER: When you say "goods,"  
11 materials?  
12 MR. GREY: Materials.  
13 (Discussion held off the record.)  
14 MR. GREY: Let me rephrase the question. We'll  
15 start again.  
16 BY MR. GREY:  
17 Q The goods that U. Lim America sells are  
18 manufactured by U. Lim Mexico. Correct?  
19 A Yes.  
20 Q Okay. To produce those goods you have to  
21 buy raw materials or component parts to produce the  
22 goods. Correct?  
23 A Yes, it is.  
24 Q Okay. Is it U. Lim America or U. Lim  
25 Mexico that purchases those raw materials or component

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1 parts?  
2 A U. Lim America.  
3 Q Okay. So U. Lim America supplies U. Lim  
4 Mexico with the component parts and then U. Lim Mexico  
5 manufactures those products and hands them back over  
6 to U. Lim America. Correct?  
7 A Yes, it is.  
8 Q Okay. Now, does U. Lim Mexico charge  
9 U. Lim America just for its labor in producing those  
10 goods or does it charge U. Lim America for the  
11 individual items that it produces?  
12 MR. BATTENFELD: And I'll object to the  
13 question as being compound and as assuming that it's  
14 one or the other as opposed to neither.  
15 THE WITNESS: Would you repeat it just one by  
16 one, one question by one question, because you're  
17 asking too broad the question?  
18 MR. GREY: Read me back the question.  
19 (Record read.)  
20 MR. GREY: Retranslate that question.  
21 THE WITNESS: They charge the whole production.  
22 BY MR. GREY:  
23 Q Can you explain what you mean by that?  
24 A Labor, electricity. It's general  
25 expenses, it's general. U. Lim America pays for, yes.

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1 Q Okay. So U. Lim Mexico doesn't charge  
2 U. Lim America by the piece that it produces?  
3 A No, it does not.  
4 Q So the major variable charge to U. Lim  
5 America by U. Lim Mexico is the labor cost. Is that  
6 correct?  
7 A Yes, it is.  
8 Q Do you know what U. Lim Mexico charged  
9 to U. Lim America in 1993?  
10 A I do not remember.  
11 Q Do you know what U. Lim Mexico charged to  
12 U. Lim America in 1994?  
13 A No, I don't remember.  
14 Q How about for 1995?  
15 A Including 1998, 1999, up to now, I do not  
16 remember.  
17 Q That charge from U. Lim Mexico to U. Lim  
18 America is a major -- just strike the last one. I'll  
19 start over.  
20 Does U. Lim Mexico charge U. Lim  
21 America at cost for its labor, electricity, and other  
22 expenses?  
23 A Yes, it is.  
24 Q So there is no real profit built into  
25 U. Lim Mexico's charges to U. Lim America. Correct?

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KANG V.  
U. LIM AMERICA

TAE JIN YOON, VOL 2  
02/02/00

1 percent.  
2 BY MR. GREY:  
3 Q And since U. Lim Mexico, generally  
4 speaking, just simply transferred its costs to U. Lim  
5 America, what was the purpose of that 1 percent gross  
6 sales profit item?  
7 A I believe that when they were  
8 establishing companies I think that is the way they  
9 set it up, to give that amount to Mexican side.  
10 Q Are you familiar with the fact that there  
11 was profit sharing paid to the U. Lim Mexico  
12 employees?  
13 (Record read.)  
14 MR. BATTENFELD: I'll object to the question as  
15 being ambiguous with respect to the phrase "profit  
16 sharing." And also the phrase the "Mexican employees"  
17 is also ambiguous.  
18 BY MR. GREY:  
19 Q Do you understand the question?  
20 A Yes, yes.  
21 Q Are you aware of profit sharing being  
22 paid to the U. Lim Mexico employees?  
23 A Yes, I do.  
24 Q And are you also aware of the fact that  
25 profit sharing is mandated by Mexican law for Mexican

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1 Q And you consider that to be U. Lim  
2 Mexico's profit?  
3 A Yes, it is.  
4 Q What I'm asking you is, was that policy  
5 of paying U. Lim Mexico 1 percent of the gross sales  
6 profit of U. Lim America designed so that there would  
7 be profits for the Mexican employees of U. Lim Mexico?  
8 MR. BATTENFELD: Go ahead and translate it.  
9 And the objection is that the question  
10 misstates the witness's testimony. He just testified  
11 that the 1 percent was not a gross sales profit  
12 figure.  
13 BY MR. GREY:  
14 Q Do you understand the question?  
15 A I --  
16 MR. BATTENFELD: Hold on a minute. Wait.  
17 Did you translate my objection?  
18 THE INTERPRETER: Yes, I did. I said it was  
19 not what Mr. Yoon stated.  
20 BY MR. GREY:  
21 Q We've lost track of the question at this  
22 juncture.  
23 You indicated that the only U. Lim Mexico  
24 profit would be generated from this 1 percent gross  
25 sales profit paid to U. Lim Mexico from U. Lim

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1 employees?  
2 A Yes, I do.  
3 Q And was this the reason why U. Lim Mexico  
4 was paid 1 percent of the gross sales profit of U. Lim  
5 America?  
6 MR. BATTENFELD: I'll object to the question as  
7 calling for a legal conclusion.  
8 THE WITNESS: The response I give to you is  
9 incorrect. The 1 percent I said was not profit, 1  
10 percent of the profit. It's not the profit.  
11 The 1 percent -- that is the amount  
12 transferred to Mexico such as the expense for the --  
13 for production and all total. One percent of all  
14 total the amount to send to Mexico.  
15 BY MR. GREY:  
16 Q Do you know whether or not U. Lim Mexico  
17 ever generated a profit in 1993?  
18 A I do not remember.  
19 Q Okay. How about for 1994?  
20 MR. BATTENFELD: You're asking about U. Lim  
21 Mexico?  
22 MR. GREY: Uh-huh.  
23 THE WITNESS: I stated earlier that 1 percent  
24 of the amount of money transferred to that side.  
25 BY MR. GREY:

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1 America. Is that correct?  
2 A No.  
3 Q You remember I asked you if you were  
4 aware of U. Lim Mexico making or having any profit in  
5 1993 or '94?  
6 A Yes.  
7 Q And you said you didn't remember?  
8 A Yes, I do not remember the amount.  
9 Q But U. Lim Mexico simply passes on its  
10 costs to U. Lim America. Correct?  
11 A Yes.  
12 Q Okay. So there is no profit in that  
13 passing on of costs. Correct?  
14 A It is right.  
15 Q Okay. So the only -- the only avenue for  
16 U. Lim Mexico to make a profit is via this 1 percent  
17 gross sales profit revenue. Is that correct?  
18 MR. BATTENFELD: And I'm going to object to the  
19 question as misstating the witness's testimony. He  
20 just explained that he misspoke when he called it  
21 gross sales profit.  
22 BY MR. GREY:  
23 Q Didn't you call that fee a 1 percent  
24 gross sales profit?  
25 A However, I told you that I misstated

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TAE JIN YOON, VOL 2  
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1 understanding was.

2 A When I said legal matters, Mexico has  
3 that kind of laws set up but America side I don't  
4 think there is, that is why.

5 Q It's your understanding, then, that  
6 U. Lim America didn't provide profit sharing because  
7 there was no law requiring profit sharing for an  
8 American corporation?

9 A Yes, it is.

10 Q Was U. Lim America created so that the  
11 profits from U. Lim Mexico would actually be  
12 transferred into U. Lim America?

13 A No.

14 Q When did you first meet Mr. Kang?

15 A I think it was in 1994.

16 Q And how did you first come to know  
17 Mr. Kang?

18 A I was introduced by Kwan Mook Chung.

19 Q And did he recommend Mr. Kang?

20 A Yes, he did.

21 Q And were you looking to hire Mr. Kang  
22 because of increasing sales?

23 A Yes, it was.

24 Q And where was your first meeting with  
25 Mr. Kang?

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1 Q Anything else about his background or  
2 qualifications that was of interest to you initially?

3 A No.

4 Q When you discussed the department with  
5 Mr. Kang, did you discuss at all what his duties in  
6 that department would be?

7 MR. BATTENFELD: And, for clarification, you're  
8 asking about this interview at the newspaper office?

9 MR. GREY: The initial interview.

10 THE WITNESS: I didn't talk too much.

11 BY MR. GREY:

12 Q Even if you didn't talk too much, did you  
13 discuss what his job duties would be in the purchasing  
14 and warehouse department?

15 A I only told him that the person will be  
16 placed in the purchasing department.

17 Q Did you ask Mr. Kang any questions  
18 concerning his potential employment?

19 A I don't remember.

20 Q Do you recall if Mr. Kang asked you any  
21 questions concerning his potential employment?

22 A I don't remember.

23 Q Do you recall if you discussed anything  
24 about salary with Mr. Kang?

25 A I cannot remember.

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1 A Where or when?

2 MR. GREY: I can't remember now what I said.  
3 (Record read.)

4 THE WITNESS: At the office of the central  
5 daily newspaper.

6 BY MR. GREY:

7 Q And did you interview Mr. Kang at that  
8 meeting?

9 A Yes, I -- yes.

10 Q Was Mr. Chung present during the  
11 interview?

12 A I don't remember.

13 Q And at this interview did you inform  
14 Mr. Kang as to the position he was being interviewed  
15 for?

16 A I told him about the department rather  
17 than the position.

18 Q And that department was purchasing and  
19 warehouse. Correct?

20 A Yes.

21 Q And other than Mr. Chung's  
22 recommendation, what was of interest to you regarding  
23 Mr. Kang as far as his credentials?

24 A He spoke English and also he can speak  
25 Korean.

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1 Q Do you recall if you discussed anything  
2 regarding the working hours of this position with  
3 Mr. Kang?

4 A I remember telling him that start his  
5 work from 7:30.

6 Q Did you tell him when he'd have to end  
7 his work?

8 A No, I don't remember.

9 Q Do you remember anything else you  
10 discussed with Mr. Kang in this meeting?

11 A No, I don't remember.

12 Q When is the next time after this meeting  
13 that you spoke or met with Mr. Kang?

14 A I believe that after a while, since I  
15 went to Korea for a business trip and then until I  
16 came back from the business trip.

17 Q Did you meet with him or speak with him  
18 on the phone the next time you spoke with him?

19 A I don't remember.

20 Q Do you recall what you spoke about in  
21 this conversation or meeting with Mr. Kang this second  
22 time?

23 A I don't remember.

24 Q Do you know if you agreed to hire Mr.  
25 Kang at the time of this second conversation?

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1 correct?  
2 A Yes.  
3 Q And was that a sales goal?  
4 A Yes, it was.  
5 Q And would you set these sales goals every  
6 year?  
7 A Yes, it is.  
8 Q Okay. As opposed to monthly?  
9 A Yes, we do it monthly too.  
10 Q The bonus that was paid, was that based  
11 upon meeting a yearly goal or a monthly goal?  
12 A Annual.  
13 Q Do you know whether or not when that  
14 bonus was paid U. Lim actually met that goal or just  
15 came close to that goal?  
16 A Met the goal.  
17 Q And did you set the goal?  
18 A I made decision with the information I  
19 get from the business department and then -- sales  
20 goals.  
21 Q When you refer to the business  
22 department, are you referring to U. Lim America's  
23 business department or U. Lim Korea's business  
24 department?  
25 MR. BATTENFELD: And he had said sales

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1 department, for the record. I think the translator  
2 corrected it to sales department, not business  
3 department.  
4 THE INTERPRETER: I think he stated the  
5 business department too and then also he added sales  
6 department. I only heard business department. I did  
7 not hear sales department so I asked him again what  
8 was the second word. He said sales department. I  
9 added sales department. I heard the business  
10 department twice here.  
11 BY MR. GREY:  
12 Q Let's just clarify. It's no big deal.  
13 You said you made the decision based on  
14 information you received from what department?  
15 A Sales department.  
16 Q And when you say "sales department,"  
17 basically you're referring to Mr. Cho. Correct?  
18 A Yes, it is.  
19 Q Okay. And isn't it true that since 1993  
20 through the present U. Lim America only met their  
21 sales goals once?  
22 A Yes, it is.  
23 Q And do you also, as vice-president of  
24 U. Lim America, compare your sales at U. Lim America  
25 with other businesses selling similar products in the

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1 area?  
2 A No.  
3 Q These sales goals that you set, were they  
4 based on the year's prior sales?  
5 A You set that goal according to the  
6 market, the previous year's market.  
7 THE INTERPRETER: I don't know the one word  
8 here.  
9 THE WITNESS: The market forecast.  
10 BY MR. GREY:  
11 Q When you're setting these sales goals,  
12 are they based on, in any way, on a percentage  
13 increase from the last year's sales?  
14 A No, is not necessarily.  
15 Q Well, what specific factors do you take  
16 into account for setting the sales goals then?  
17 A The items that -- for the future, the  
18 next year, to prepare for that. And the items that  
19 presently produced. And then, also, you forecast the  
20 amount that the buyers, the -- how much the buyers  
21 would purchase. So those are the -- the base that you  
22 set the goal.  
23 Q What was the year that U. Lim America met  
24 the goal?  
25 A 1997.

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1 MR. BATTENFELD: Is that an estimate or --  
2 THE WITNESS: That was the year that it made  
3 eight million dollars.  
4 BY MR. GREY:  
5 Q Did you ever tell the employees of U. Lim  
6 America that if they worked very hard they would share  
7 in U. Lim's success?  
8 THE INTERPRETER: Mr. Grey, if I translate  
9 share, keeping something, giving -- actually  
10 physically sharing. I share this with you, rather  
11 than philosophical share. So I have to be more  
12 precise. The sentence will be confused or I will not  
13 be able to make the correct translation. When you say  
14 share in English you can share success of a  
15 philosophy, not the material share.  
16 MR. GREY: Do the give share.  
17 THE INTERPRETER: Then the material share?  
18 MR. GREY: All right.  
19 THE WITNESS: No.  
20 BY MR. GREY:  
21 Q Did you ever tell anyone at U. Lim  
22 America that you would give back any of the profits of  
23 U. Lim to the U. Lim employees?  
24 A No.  
25 Q Did you ever tell any of the U. Lim

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1 Q For instance, did it ever run from 5:30  
2 to 7:30 or from 6:30 to 8:30, to your knowledge?  
3 A I think there were times that the 30  
4 minutes -- there were times that the 30 minute -- no,  
5 there were times that the shift began 30 minutes  
6 earlier or worked 30 minutes later than the regular  
7 schedule.  
8 Q Normally it was 6 to 8. Correct?  
9 A Yes, it is.  
10 Q Did you ever have an overtime shift that  
11 went beyond 8 o'clock so, for instance, maybe an 8 to  
12 10 shift?  
13 MR. BATTENFELD: For clarification, you're  
14 asking about during Mr. Kang's employment?  
15 MR. GREY: That's fine.  
16 THE WITNESS: I don't remember.  
17 BY MR. GREY:  
18 Q Well, do you ever recall whether or not  
19 the production line during Mr. Kang's employment ever  
20 ran beyond 8 p.m.?  
21 A I believe, yes.  
22 Q And when they would run a shift past  
23 8 o'clock, would they run a new shift or would they  
24 just extend the overtime shift?  
25 A I don't know now because that is taken

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1 care of by Mr. Park, who is in charge of production  
2 department.  
3 Q But Mr. Park would report to you.  
4 Correct?  
5 A Yes, he did.  
6 Q And he would report to you, among many  
7 things, also the overtime worked the previous day or  
8 the previous week. Correct?  
9 MR. BATTENFELD: And I'll object to the  
10 question as being ambiguous as to time frame.  
11 THE WITNESS: I don't remember.  
12 BY MR. GREY:  
13 Q You don't remember whether or not he  
14 would report to you concerning overtime worked?  
15 A Are you talking about a period?  
16 Q Well, Mr. Park, since the date he was  
17 hired until the present, has been your production  
18 manager. Correct?  
19 A Yes.  
20 Q Okay. And throughout that period he  
21 reported to you. Correct?  
22 A Yes, it is.  
23 Q And he reports to you the amount of items  
24 produced. Correct?  
25 A Yes.

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1 Q And he will report to you the amount of  
2 overtime used to produce those goods. Correct?  
3 A Yes, it is.  
4 Q And he normally would report this to you  
5 on a daily or weekly basis. Correct?  
6 MR. BATTENFELD: Did you ask daily and weekly?  
7 MR. GREY: Daily or weekly.  
8 THE WITNESS: Yes, he did.  
9 BY MR. GREY:  
10 Q So Mr. Park, throughout the course of his  
11 employment, made you aware of the overtime worked at  
12 U. Lim Mexico. Correct?  
13 A Yes, it is.  
14 Q So do you have any awareness of there  
15 being an overtime shift beyond 8 o'clock?  
16 A Would you ask that again?  
17 Q Do you have an awareness of there being  
18 any overtime shift past 8 o'clock?  
19 A I don't remember.  
20 Q Did you ever institute an actual second  
21 shift at U. Lim Mexico?  
22 THE INTERPRETER: Could you use another --  
23 different word than institute. There can be so many  
24 translations.  
25 BY MR. GREY:

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1 Q Did you ever create a second shift at  
2 U. Lim Mexico?  
3 A No.  
4 I would like to have a break.  
5 (Recess.)  
6 BY MR. GREY:  
7 Q Okay. Approximately how many U. Lim  
8 Mexico employees did you have in 1993?  
9 A I don't remember.  
10 Q Approximately how many U. Lim Mexico  
11 employees did you have in 1994?  
12 A I believe that was less than 100.  
13 Q Is your best estimate approximately 100?  
14 MR. BATTENFELD: Objection. Misstates the  
15 witness's testimony.  
16 THE WITNESS: Less than 100.  
17 MR. GREY: I know. I'm just trying to get it  
18 clarified.  
19 MR. BATTENFELD: It doesn't clarify it.  
20 BY MR. GREY:  
21 Q Less than 100 can mean anywhere from 0 to  
22 100 and, obviously, you had more than zero. Correct?  
23 What's your best estimate of the number  
24 or the range of employees you had in 1994?  
25 A I think it was from between 50 to 70.

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1 MR. GREY: I understand that.  
2 MR. BATTENFELD: The problem is, your question  
3 assumes there was no increase.  
4 MR. GREY: No, my question didn't assume that.  
5 MR. BATTENFELD: Yes, it did.  
6 MR. GREY: Now, John, you know I am -- I am  
7 trying to be fair with this witness. I continue to  
8 try to be fair with this witness.  
9 All I simply said was based on his prior  
10 testimony that he had 50 to 70 employees in 1994 and  
11 between 50 and 70 employees in 1995, that the number  
12 of employees remained approximately the same. And  
13 that's a fair statement and that's not meant to trap  
14 Mr. Yoon. It's meant to fairly summarize what he  
15 said.  
16 MR. BATTENFELD: It's not a fair statement  
17 because that could mean -- based on a range it could  
18 mean 50 employees in one year and 70 employees in  
19 another year.  
20 MR. GREY: That's why I said approximately.  
21 MR. BATTENFELD: I would not regard that as  
22 being approximately.  
23 MR. GREY: He gave the exact same ranges for  
24 '94 and '95, John. I didn't give that range, he did.  
25 MR. BATTENFELD: Listen to what I'm saying.

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1 What I'm saying --  
2 MR. GREY: I understand what you're saying.  
3 MR. BATTENFELD: I don't know what he said  
4 before. What I'm telling you is if you're correct, 50  
5 to 70, that doesn't mean approximately the same.  
6 MR. GREY: He gave a range that he was  
7 comfortable with.  
8 MR. BATTENFELD: Correct.  
9 MR. GREY: That range remained the same from  
10 '94 to '95.  
11 He never said or gave any indication that  
12 the number of employees increased between '94 and '95.  
13 MR. BATTENFELD: Why don't you ask him that.  
14 MR. GREY: If he wishes to clarify he can  
15 clarify, John.  
16 MR. BATTENFELD: The problem is that you asked  
17 about ranges.  
18 MR. GREY: No, the problem --  
19 MR. BATTENFELD: You're misstating his  
20 testimony.  
21 MR. GREY: The problem is not that I'm  
22 misstating testimony but you're trying to put words  
23 into your witness's mouth.  
24 Are you not letting him answer the  
25 question?

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1 MR. BATTENFELD: The problem is you continually  
2 ask a question that misstates a prior answer. You've  
3 been doing it throughout the deposition.  
4 MR. GREY: Why don't we have it read to him,  
5 his answers, going back from '93 to '98 with regard to  
6 the number of employees he estimated he had for those  
7 periods, and if he wishes to clarify he can do so.  
8 MR. BATTENFELD: Since we're talking about '94  
9 to '95, I'd like to focus on '94 and '95  
10 (Record read.)  
11 BY MR. GREY:  
12 Q We have just gone back over your  
13 estimates for the number of employees U. Lim Mexico  
14 had for 1993 through 1996 and you heard that.  
15 Correct?  
16 A Yes.  
17 Q Do you wish to clarify or change any of  
18 those estimates?  
19 A I do not have the recollection of how  
20 many employees actually worked there.  
21 In 1993 about 40 to 50. In 1994 I think  
22 about 50 to 70. After that I do not have recollection  
23 how many employees I added or hired.  
24 It's very evident that the numbers have  
25 been gradually increasing.

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1 Q So, do you believe that you hired or had  
2 working for you more employees in 1995 than you had in  
3 1994 in U. Lim Mexico?  
4 A Yes.  
5 Q And you had previously given your best  
6 estimate to be 50 to 70. Would you increase that  
7 slightly based on your testimony now?  
8 A What year?  
9 Q For 1995.  
10 A I don't remember.  
11 Q Because of the significant increase in  
12 sales between 1994 and 1995, did you have to engage  
13 more employees in overtime production?  
14 A I think a few times.  
15 Q So do you believe that the overall number  
16 of overtime hours worked in 1995 increased from 1994?  
17 A I don't remember.  
18 Q The sales almost doubled from 1995 to  
19 1996. Correct?  
20 A Yes, it was.  
21 Q Okay.  
22 MR. BATTENFELD: What years were you asking  
23 about?  
24 MR. GREY: '95 to '96.  
25 MR. BATTENFELD: I think he said four to six.

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<p>1 constant. Correct?</p> <p>2 A Yes.</p> <p>3 Q So there wasn't a change in the number of</p> <p>4 make-up Saturdays over the course of Mr. Kang's</p> <p>5 employment. Correct?</p> <p>6 A Yes, it's correct.</p> <p>7 Q So I'm asking you, was there a point in</p> <p>8 time during Mr. Kang's employment where the production</p> <p>9 facilities began to work more Saturdays or Sundays,</p> <p>10 that you recall?</p> <p>11 MR. BATTENFELD: Is the question more Saturdays</p> <p>12 or Sundays or more Saturdays and Sundays?</p> <p>13 MR. GREY: More Saturdays and Sundays.</p> <p>14 MR. BATTENFELD: I'll object to the question as</p> <p>15 assuming a fact that hasn't been testified to, the</p> <p>16 Sunday work.</p> <p>17 THE WITNESS: I do not know.</p> <p>18 BY MR. GREY:</p> <p>19 Q So, then, you don't recall if there was</p> <p>20 ever a marked increase in the weekend operations of</p> <p>21 the production facilities from 1994 through '98?</p> <p>22 A What I meant is I cannot recall.</p> <p>23 Q In 1994, other than those ten make-up</p> <p>24 Saturdays, how many Saturdays do you believe that the</p> <p>25 production line was running during 1994?</p> <p style="text-align: center;">202</p>	<p>1 Q What is your best estimate, if you have</p> <p>2 one?</p> <p>3 A I don't remember about Sundays.</p> <p>4 Q So you have no estimate for 1994.</p> <p>5 Correct?</p> <p>6 A I do not remember about Sundays from 1994</p> <p>7 to 1998.</p> <p>8 Q Did you ever -- did you ever personally</p> <p>9 work on Sundays during that period?</p> <p>10 A I don't remember.</p> <p>11 Q Do you remember ever working on Saturdays</p> <p>12 during that period, 1994 to 1998?</p> <p>13 A Yes, I do.</p> <p>14 Q And how often do you remember working in</p> <p>15 1994 on Saturdays?</p> <p>16 A I cannot recall.</p> <p>17 Q What's your best estimate?</p> <p>18 A About 13 times a year.</p> <p>19 Q And for 1995?</p> <p>20 A Same 1995 through 1998.</p> <p>21 Q And it's your understanding that all the</p> <p>22 managers were supposed to be at work when the</p> <p>23 production line was operating. Correct?</p> <p>24 MR. BATTENFELD: And I'll object to the</p> <p>25 question as ambiguous as to what you mean by "all the</p> <p style="text-align: center;">204</p>
<p>1 A About two or three times.</p> <p>2 Q And in 1995, how many Saturdays do you</p> <p>3 think the production facilities were running, other</p> <p>4 than those ten make-up Saturdays?</p> <p>5 MR. BATTENFELD: And I want to remind the</p> <p>6 witness he should not guess. If he can give an</p> <p>7 estimate he's comfortable with, he should give it, but</p> <p>8 he should not guess.</p> <p>9 THE WITNESS: I remember only there were three</p> <p>10 times in 1994, 5, 6, 7, 8.</p> <p>11 BY MR. GREY:</p> <p>12 Q Three times for 1994 through 1998?</p> <p>13 A Each year.</p> <p>14 Q Each year.</p> <p>15 So it's your best estimate that each year</p> <p>16 the production lines were in operation on Saturday two</p> <p>17 to three times, plus the ten make-up Saturdays?</p> <p>18 A Yes, it is.</p> <p>19 Q So then from 1994 to '98 you don't recall</p> <p>20 any significant increase in the number of Saturdays</p> <p>21 worked. Correct?</p> <p>22 A I do not know.</p> <p>23 Q And what were the number of Sundays</p> <p>24 worked in 1994 by the production line?</p> <p>25 A I do not remember.</p> <p style="text-align: center;">203</p>	<p>1 managers," and the question is also ambiguous as to</p> <p>2 time.</p> <p>3 BY MR. GREY:</p> <p>4 Q Referring to U. Lim America managers.</p> <p>5 A When the department heads would need to</p> <p>6 be there, I assume so.</p> <p>7 Q Well, during the period of Mr. Kang's</p> <p>8 employment, was it your belief that Mr. Cho, Mr. Park,</p> <p>9 and Mr. Kang should all be present on Saturdays when</p> <p>10 the production line was in operation?</p> <p>11 A Not necessarily, though.</p> <p>12 Q Why was it not necessary.</p> <p>13 MR. BATTENFELD: He said "not necessarily."</p> <p>14 BY MR. GREY:</p> <p>15 Q What would make it not necessarily so?</p> <p>16 A For instance, if they are waiting for the</p> <p>17 production or what if they didn't have much work to</p> <p>18 do, then it didn't matter whether they do not come.</p> <p>19 Q Well, would you believe it was important</p> <p>20 that Mr. Park always be there while the production</p> <p>21 line was in operation?</p> <p>22 A I assume that since he was the production</p> <p>23 manager that when production lines were working I</p> <p>24 assume that he was there.</p> <p>25 Q So in your estimation, then, it would</p> <p style="text-align: center;">205</p>

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1 Q Compared to Mr. Park.  
2 A When he takes care of all the materials,  
3 supplies for the production lines, yes, it is. Then  
4 it is.  
5 Q And let me -- just so I understand your  
6 testimony, what you're saying is if he has taken care  
7 of arranging for the material components during the  
8 week, then it would be less important that he be there  
9 for the weekend operations of the plant?  
10 A Of course.  
11 Q Now, you indicated that at one point in  
12 time Mr. Kang broached the subject of rotating the  
13 department heads for weekend work, is that correct, or  
14 overtime work?  
15 A Yes, it was.  
16 Q Okay. And you indicated that that was  
17 acceptable to you if the department heads agreed.  
18 Correct?  
19 A To whom? To indicate it to whom?  
20 Q Mr. Kang.  
21 A No, I didn't say it was okay.  
22 Q Well, when Mr. Kang broached this subject  
23 with you, you said go have a meeting with the  
24 department heads to see if they find that it's okay.  
25 Correct?

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1 A Yes.  
2 Q And I asked you previously in the  
3 deposition if that meant that you thought it was  
4 acceptable to you if it was acceptable to the  
5 department heads?  
6 A Yes, you did.  
7 Q And you said if the department heads  
8 agreed then it would be acceptable to you?  
9 A Yes, I did.  
10 Q Okay. But when Mr. Kang asked you about  
11 this rotation issue, that was because all of the  
12 department heads were working during the hours of  
13 operation. Correct?  
14 (Record read.)  
15 MR. BATTENFELD: And I'll object, the question  
16 calls for speculation as to what Mr. Kang was thinking  
17 when he raised the subject.  
18 BY MR. GREY:  
19 Q You can answer.  
20 A He didn't say anything. Just said  
21 rotation.  
22 Q I'm not asking you what he said  
23 specifically. It's just when he brought up the issue  
24 of rotation, at that point in time all of the managers  
25 were working during the production line hours of

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1 operation. Correct?  
2 A Yes, I understand now.  
3 Q Yes, is that correct or, yes, you just  
4 simply understand the question?  
5 A I said yes because I understood now your  
6 question.  
7 Q And the answer to that question is yes.  
8 Correct?  
9 A Yes.  
10 Q If it was not as important to you that  
11 Mr. Cho work during the overtime hours of the  
12 production facility, why was he doing it?  
13 MR. BATTENFELD: I'll object to the question,  
14 calls for speculation as to Mr. Cho's motivations.  
15 BY MR. GREY:  
16 Q To the extent you have any awareness.  
17 A I don't know.  
18 Q And if Mr. Kang completed all of his  
19 purchasing duties so that there were material  
20 components for the overtime production, why was he  
21 working during the overtime production hours, if you  
22 know?  
23 MR. BATTENFELD: And I'll object to the  
24 question as calling for speculation as to Mr. Kang's  
25 motivations. I'll also object to the question as

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1 being an incomplete hypothetical because Mr. Kang had  
2 both purchasing and warehouse duties.  
3 THE WITNESS: I don't know.  
4 MR. BATTENFELD: Can we take a quick break  
5 here?  
6 MR. GREY: Sure.  
7 (Recess.)  
8 BY MR. GREY:  
9 Q Do you have any estimate of how often  
10 Mr. Park and Mr. Kang would work past 5:30, Monday  
11 through Friday, in 1994?  
12 A I do not remember.  
13 Q So you have no estimate?  
14 A No, I don't. I can't --  
15 Q Do you have any estimate as to how often  
16 Mr. Park would work past 5:30 in 1995, Monday through  
17 Friday?  
18 A I do not remember from 1995 to 1998.  
19 Q So from 1994 through 1998 you have no  
20 estimate as to how often Mr. Park would work past  
21 5:30, Monday through Friday. Correct?  
22 A Is correct, I cannot recall.  
23 Q Okay. And do you have any estimate as to  
24 how often Mr. Kang would work past 5:30, Monday  
25 through Friday, in 1994?

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1 these payroll records are a year old they're  
2 destroyed?  
3 A I stated to you that whether they are or  
4 they are not, I do not know.  
5 Q Other than payroll records, are there any  
6 records which would show the overtime worked by the  
7 U. Lim Mexico employees?  
8 A There is a record that indicates total,  
9 like amount paid for all overtime hours. I don't know  
10 whether that kind, the individual, the pay stub is  
11 kept or not. Usually the annual documents are kept  
12 with annual numbers.  
13 Q An annual report?  
14 A Yes, it is.  
15 Q And how far back do you maintain the  
16 annual reports?  
17 A I do not know about the Mexican side,  
18 that accounting system.  
19 Q Does U. Lim Mexico create an annual  
20 report?  
21 A Yes, it does.  
22 Q Okay. And that report would, obviously,  
23 be submitted to you. Correct?  
24 A Yes.  
25 Q And would that annual report, in fact, be

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1 sort of a subsection of the U. Lim America annual  
2 report?  
3 A Yes, it is.  
4 Q Okay. So the U. Lim Mexico report is  
5 contained in the U. Lim America annual report.  
6 Correct?  
7 A Yes, it is.  
8 Q Okay. And how far back do you keep the  
9 U. Lim America annual reports?  
10 A I do not know.  
11 Q Approximately how thick are these annual  
12 reports or how many pages?  
13 A I don't know. Like this thick.  
14 Q Well, you review them each year.  
15 Correct?  
16 A Yes, it is.  
17 Q You know, are they the size of a booklet  
18 or the size of a book? Approximately how many pages  
19 are we talking about?  
20 A About this thick.  
21 Q Two or three inches?  
22 A Yes.  
23 Q Okay. And where are these annual reports  
24 kept?  
25 A At the office of the CPA.

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1 Q And these summarize the activities of  
2 U. Lim America over the course of the previous year.  
3 Correct?  
4 A Yes, it is.  
5 Q Therefore, they're an important document.  
6 Correct?  
7 A Yes, it is.  
8 Q And there would be no reason to destroy  
9 that document. Correct?  
10 A It is.  
11 Q So it would be your understanding those  
12 documents should still exist for U. Lim America for  
13 each of its years of operation?  
14 MR. BATTENFELD: Which document?  
15 MR. GREY: U. Lim America's annual reports.  
16 THE WITNESS: CPA office should have them.  
17 BY MR. GREY:  
18 Q And they should still have them.  
19 Correct?  
20 A I would assume so.  
21 Q But you've never instructed them to  
22 destroy them. Correct?  
23 A No, I did not.  
24 Q And these annual reports then would have,  
25 as you've indicated, the total overtime hours worked

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1 at U. Lim Mexico. Correct?  
2 MR. BATTENFELD: Remind the witness that he  
3 shouldn't speculate or guess unless he has personal  
4 knowledge.  
5 THE WITNESS: I do not know.  
6 The reason is the information obtained  
7 from Mexico was added to the large picture, so when  
8 you put that in there then the annual report is  
9 produced from those information. That's why I do not  
10 know.  
11 BY MR. GREY:  
12 Q The annual report, though, contains that  
13 information. Correct?  
14 A Yes, it does.  
15 Q Have you or anyone on your behalf ever  
16 conducted a search for any records which would show  
17 the overtime hours worked at U. Lim Mexico related to  
18 this litigation?  
19 A No.  
20 Q Was or is there ever occasion where  
21 Mr. Park takes direction directly from U. Lim Korea?  
22 THE INTERPRETER: When you say "direction,"  
23 instruction or some --  
24 MR. GREY: Yes.  
25 MR. BATTENFELD: I'll object to the question as

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02/02/00

1 MR. BATTENFELD: Why?  
2 MR. GREY: Because it's relevant to the risk  
3 that he's placing employees in that is outside the  
4 bounds of his authority as an employer.  
5 MR. BATTENFELD: Why is that relevant?  
6 MR. GREY: I'm not going to give you any more  
7 offers of proof.  
8 MR. BATTENFELD: Every time you say that it's  
9 because you don't have an answer.  
10 MR. GREY: Are you instructing this witness not  
11 to answer?  
12 MR. BATTENFELD: Yes, unless you can make a  
13 better offer of proof.  
14 MR. GREY: I made my argument. Are you  
15 instructing him not to answer?  
16 MR. BATTENFELD: I am.  
17 MR. GREY: Fine.  
18 BY MR. GREY:  
19 Q Were there any other items that you  
20 utilized Mr. Cho's credit for to purchase company  
21 assets or personal assets for you?  
22 A No.  
23 Q Did you ever utilize Mr. Kang's credit to  
24 purchase any other assets and/or to lease any other  
25 assets?

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1 A No.  
2 MR. GREY: Well, it's 5:26, why don't we end it  
3 here.  
4 //

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1 I, TAE JIN YOON, do hereby declare under  
2 penalty of perjury that I have read the foregoing  
3 transcript; that I have made any corrections as appear  
4 noted, in ink, initialed by me; that my testimony as  
5 contained herein, as corrected, is true and correct.  
6 EXECUTED THIS \_\_\_\_\_ day of \_\_\_\_\_,  
7 2000, at \_\_\_\_\_, \_\_\_\_\_  
(City) (State)

TAE JIN YOON

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1 STATE OF CALIFORNIA )  
 : ss  
2 COUNTY OF SAN DIEGO )  
3

4 I, the undersigned, a Certified Shorthand  
5 Reporter of the State of California, do hereby  
6 certify:

7 That the foregoing proceedings were taken  
8 before me at the time and place herein set forth; that  
9 any witnesses in the foregoing proceedings, prior to  
10 testifying, were placed under oath; that a verbatim  
11 record of the proceedings was made by me using machine  
12 shorthand which was thereafter transcribed under my  
13 direction; further, that the foregoing is an accurate  
14 transcription thereof.

15 I further certify that I am neither financially  
16 interested in the action nor a relative or employee of  
17 any attorney of any of the parties.

18 IN WITNESS WHEREOF, I have this date subscribed  
19 my name.

20  
21 Dated: February 3, 2000  
22  
23

RENEE K. PAPIERNIAK  
CSR No. 7056

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TAE JIN YOON, VOL3  
02/03/00

1 correct?  
2 MR. BATTENFELD: Are you asking whether they  
3 would ever attend the meetings or whether they  
4 usually attended the meetings?  
5 BY MR. GREY:  
6 Q Well, during Mr. Kang's employment, do  
7 you recall them ever attending the meetings?  
8 A Yes.  
9 Q And how often would that occur?  
10 A I do not recall.  
11 Q Generally speaking, it was rarely,  
12 correct?  
13 A I do not recall.  
14 Q And what was the purpose of these daily  
15 meetings?  
16 MR. BATTENFELD: And I'll object that the  
17 question is overbroad and ambiguous as to time frame.  
18 THE WITNESS: Just generally, the company  
19 matters.  
20 BY MR. GREY:  
21 Q And would each of the department heads  
22 report to you at this meeting?  
23 A Yes, it was.  
24 Q Would they report to you orally or in  
25 writing or both?

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1 A Both.  
2 Q And did they generally submit to you  
3 written reports at each of these daily meetings?  
4 A Yes, it was.  
5 Q And what were the types of written  
6 reports that they would be submitting to you at these  
7 daily meetings?  
8 A It's more like the department report.  
9 Q What is that?  
10 A Sales, means sales report and the  
11 purchasing and production departments report, the  
12 present status.  
13 Q What information would be contained in  
14 the sales reports that were submitted to you at these  
15 meetings?  
16 A The status, the sales, the activity.  
17 Q When you say status of sales activity,  
18 what would Mr. Cho be reporting to as having changed  
19 on a daily basis?  
20 MR. BATTENFELD: And I'll object to the  
21 question as assuming a fact that hasn't been  
22 testified to, that the written reports were done on a  
23 daily basis.  
24 THE WITNESS: It's more like general -- the  
25 status report on sales.

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1 BY MR. GREY:  
2 Q How many pages would these reports  
3 typically be?  
4 A About two, three -- two to four.  
5 Q And Mr. Park would also provide you  
6 with a report with respect to purchasing, correct?  
7 MR. BATTENFELD: Mr. Park would provide a  
8 report on purchasing?  
9 BY MR. GREY:  
10 Q I'm sorry. Mr. Park would provide a  
11 report on production?  
12 A Yes, it is.  
13 Q And in these reports, he would outline  
14 what the number of units produced over the last day  
15 was?  
16 A Yes, it is.  
17 Q And he would also outline what the  
18 labor costs for producing those units was?  
19 A No.  
20 Q Would he outline what the overtime  
21 hours worked to produce those units were?  
22 A No, it's not.  
23 Q Did he outline any of the costs  
24 incurred in producing those units?  
25 A No, it's not.

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1 Q And did his reports include the number  
2 of units that were rejected?  
3 A No.  
4 Q Other than the number of units  
5 produced, what did his reports include?  
6 A The quantity of the production, and  
7 then also each unit price of the production.  
8 Q And approximately how many pages were  
9 these reports?  
10 A About two, three.  
11 Q And in the purchasing report, what  
12 would be contained in that?  
13 A Total material, and then price and the  
14 schedule for the material's arrival.  
15 Q And Mr. Kang would produce this report  
16 to you at each of these daily meetings, correct?  
17 A Yes, it is.  
18 Q And that report was approximately three  
19 pages as well?  
20 A One or two.  
21 Q Was there one person who usually  
22 reported to you first?  
23 THE INTERPRETER: I don't understand the  
24 question. I don't understand.  
25 BY MR. GREY:

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1 Q At the meeting, was there one person  
2 who would normally report first at the meeting?  
3 MR. BATTENFELD: Do you mean was there some  
4 order that they reported in?  
5 MR. GREY: Right.  
6 THE WITNESS: No.  
7 BY MR. GREY:  
8 Q And these meetings were normally  
9 conducted in your office; is that correct?  
10 A In a meeting room -- in the meeting  
11 room.  
12 Q Is that separate from your office?  
13 A Next to my office.  
14 Q And how long would these meetings  
15 normally last, these daily meetings?  
16 A Depends on.  
17 Q What was the average length of these  
18 meetings?  
19 A About 30 minutes.  
20 Q What was the longest that you remember  
21 these meetings lasting?  
22 A No, I don't remember.  
23 Q Is it possible that they could have  
24 lasted as long as two hours on occasion?  
25 MR. BATTENFELD: I'll object to the question.

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1 Anything is possible.  
2 THE WITNESS: I do not know.  
3 BY MR. GREY:  
4 Q These reports, did they get placed in  
5 binders of any kind?  
6 A That depends on each department.  
7 Q Well, do you remember these reports  
8 being in binders or not?  
9 A No, I don't remember.  
10 Q So you don't know whether or not the  
11 sales reports were placed in binders or not, correct?  
12 A Yes, it's correct.  
13 Q And you don't know whether or not the  
14 purchasing reports were placed in binders; is that  
15 correct?  
16 A It's correct.  
17 Q And you don't know whether the  
18 production reports were placed in binders, correct?  
19 A It's correct.  
20 Q Now, two of your employees have  
21 admitted that you have a temper.  
22 Have you ever thrown any of these  
23 reports?  
24 MR. BATTENFELD: You're referring to any of  
25 the reports?

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1 MR. GREY: Any of these production reports,  
2 purchasing reports, sales reports.  
3 THE WITNESS: I don't remember.  
4 BY MR. GREY:  
5 Q You have no recollection whether you  
6 threw these reports at any time?  
7 A No, I don't remember.  
8 Q Specifically, do you have any  
9 recollection of having ever thrown any of these  
10 reports at either Mr. Park, Mr. Cho or Mr. Kang at  
11 any time?  
12 A No, I don't.  
13 Q You don't have a -- you don't remember?  
14 MR. BATTENFELD: The question is, did you ever  
15 throw a report at Mr. Kang, Mr. Cho or Mr. Park. And  
16 the question is, did you do that, and the answer  
17 would either be "yes," "no," or "I don't recall."  
18 MR. GREY: Wait a second. The question was,  
19 do you remember ever throwing a report at Mr. Park,  
20 Mr. Kang or Mr. Cho.  
21 MR. BATTENFELD: And I'll object that the  
22 question Mr. Grey has asked is ambiguous. To ask the  
23 question do you remember doing something is  
24 inevitably going to result in an answer where it's  
25 unclear whether the witness is saying that he

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1 remembers doing it, he doesn't remember doing it or  
2 he doesn't remember that he remembers. So I would  
3 suggest that Mr. Grey rephrase the question to simply  
4 ask did he ever do it as opposed to asking does he  
5 remember.  
6 BY MR. GREY:  
7 Q I think the question is good. Would  
8 you please answer it.  
9 A No, I have not done that.  
10 Q So you're saying you never threw  
11 reports at Mr. Park, Mr. Kang or Mr. Cho; is that  
12 correct?  
13 A No, I do not.  
14 Q Do you recall ever yelling at Mr. Park  
15 in any of these meetings?  
16 A Who?  
17 Q Mr. Park.  
18 A Yes, a few occasions.  
19 Q During the course of Mr. Kang's  
20 employment, approximately how many times did you yell  
21 at Mr. Park during these meetings?  
22 MR. BATTENFELD: And I will object that the  
23 question is overbroad as to time frame.  
24 THE WITNESS: I do not recall.  
25 BY MR. GREY:

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TAE JIN YOON, VOL3  
02/03/00

1 San Diego, California, Thursday, February 3, 2000  
2 9:40 a.m. - 4:05 p.m.  
3  
4 ANN, McCORMICK  
5 was duly sworn to act as English/Korean interpreter.  
6  
7 TAE JIN YOON,  
8 having been first duly sworn through the interpreter,  
9 was examined and testified through the interpreter as  
10 follows:  
11  
12 MR. BATTENFELD: Before we begin, I just want  
13 to say a couple of things. Just to confirm, I  
14 received what was served on me last night at  
15 approximately 5:35 an ex parte application. I'm not  
16 sure when it was filed, but that's when it was served  
17 on me.  
18 We will be filing an opposition to  
19 that, but what I wanted to say on the record, as I've  
20 told Mr. Grey, our problem with continuing the  
21 hearing date has to do with the pretrial deadlines  
22 that are requiring things to be done almost  
23 immediately after that continued date that Mr. Grey  
24 is seeking.  
25 I invite Mr. Grey to seek to have those

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1 pretrial dates moved, and if he's able to do that,  
2 that would alleviate the concerns we have about  
3 moving the summary judgment motion.  
4 MR. GREY: Well, I appreciate that, and I'll  
5 do what I can to notify the court that as long as the  
6 pretrial dates are moved, that we're willing to  
7 stipulate to extend the hearing date on the motion  
8 for summary judgment.  
9 MR. BATTENFELD: Depending on what the court  
10 is willing to do -- we'll have to find out what the  
11 court is willing to do before we can determine what  
12 our position would be, then, on the summary judgment  
13 date.  
14 MR. GREY: I'm thinking that maybe what might  
15 be best in that regard is that we take time at the  
16 lunch break to call the court to notify them of that.  
17 MR. BATTENFELD: Well, we're going to need to  
18 file a response. Mr. Grey's ex parte is full of a  
19 number of misrepresentations, so we will need to file  
20 a response to that, but that's our fundamental  
21 position.  
22 MR. GREY: Okay.  
23 EXAMINATION  
24 BY MR. GREY:  
25 Q Good morning, Mr. Yoon.

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1 A Good morning.  
2 Q I think what I want to do is start off  
3 talking about the daily meetings that you would  
4 generally have with Mr. Cho and Mr. Park and  
5 Mr. Kang.  
6 MR. BATTENFELD: And I'll object to the  
7 introductory statement as assuming facts that haven't  
8 been testified to, that there were such daily  
9 meetings.  
10 MR. GREY: Well, we'll establish what the  
11 regularity of those meetings were.  
12 Q You do recall that you would meet  
13 frequently with Mr. Cho and Mr. Park and Mr. Kang to  
14 go over business activities of the previous day  
15 and/or week, correct?  
16 A Yes.  
17 Q And did you begin basically having  
18 those meetings as soon as Mr. Park and Mr. Kang were  
19 hired?  
20 A Yes, it was.  
21 Q And were these meetings generally held  
22 on a daily basis when you were at the actual  
23 facility?  
24 A When it's necessary.  
25 Q Did you usually believe that it was

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1 necessary to have those meetings on a daily basis  
2 when you were present in the office?  
3 A Yes.  
4 Q And this practice of having the daily  
5 meetings, that pretty much continued uninterrupted  
6 throughout Mr. Kang's employment when you were  
7 present at the facility, correct?  
8 A Yes.  
9 Q Were these meetings generally held in  
10 the mornings?  
11 A No. It was not -- the hours didn't --  
12 was not always the same.  
13 Q There wasn't a time of day that you  
14 would more often have them than not?  
15 A No, it was not.  
16 Q And when you had these meetings, it's  
17 true that, generally speaking, Mr. Cho, Mr. Park and  
18 Mr. Kang would be the persons present, correct?  
19 A Yes, it was.  
20 Q And during Mr. Kang's employment, was  
21 there anyone else who regularly attended these  
22 meetings?  
23 A No.  
24 Q The Mexican supervisors from U. Lim,  
25 Mexico, they would not attend these meetings,

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TAE JIN YOON, VOL3  
02/03/00

1 Q Was it the case that you would yell at  
2 Mr. Park at most of these meetings?  
3 A No.  
4 Q What was the average number of times  
5 you would yell at him in a given week at these  
6 meetings?  
7 MR. BATTENFELD: And I'll object that the  
8 question is overbroad and ambiguous as to time frame.  
9 THE WITNESS: I do not remember.  
10 BY MR. GREY:  
11 Q During the course of Mr. Kang's  
12 employment, what is your best estimate of the number  
13 of times that you would yell at Mr. Park at these  
14 meetings on a weekly or monthly basis?  
15 A I do not remember.  
16 Q During the course of Mr. Kang's  
17 employment, do you have any estimate as to the number  
18 of times that you would yell at Mr. Park at these  
19 meetings?  
20 A I do not remember.  
21 Q So you have no estimate; is that  
22 correct?  
23 A No, I don't. No.  
24 Q And would you ever yell at Mr. Kang at  
25 these meetings?

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1 A I think so.  
2 Q Over the course of Mr. Kang's  
3 employment, do you have any estimate as to the number  
4 of times you yelled at Mr. Kang during these  
5 meetings?  
6 A I do not remember.  
7 Q So you do not have an estimate,  
8 correct?  
9 A I do not remember.  
10 Q I just want to clarify, is it that you  
11 don't remember the number of times or you have no  
12 estimate as to the number of times?  
13 THE INTERPRETER: Would you help me out --  
14 MR. BATTENFELD: I'm going to object that the  
15 question is unintelligible as phrased, and I'm sure  
16 that's why the interpreter is having problems.  
17 THE WITNESS: I do not remember.  
18 BY MR. GREY:  
19 Q And did you ever yell at Mr. Cho at  
20 these meetings?  
21 A Yes.  
22 Q And do you have an estimate as to the  
23 number of times you yelled at Mr. Cho at these  
24 meetings during Mr. Kang's employment?  
25 A No, I don't remember.

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1 Q Do you ever recall making Mr. Park  
2 stand during these meetings?  
3 A I do not remember.  
4 Q Do you ever recall making Mr. Kang  
5 stand at these meetings?  
6 A I do not remember.  
7 Q Do you ever recall making Mr. Cho stand  
8 at these meetings?  
9 A I do not remember.  
10 Q Do you recall ever hitting Mr. Park  
11 with a ruler on his hands at these meetings?  
12 THE INTERPRETER: Ruler -- hitting Mr. Park  
13 with a ruler -- Mr. Park's hand?  
14 MR. GREY: Yes.  
15 THE INTERPRETER: All right.  
16 THE WITNESS: No, I have not done that.  
17 BY MR. GREY:  
18 Q Did you ever hit Mr. Park on the top of  
19 his head with a ruler during these meetings?  
20 A I do not remember doing that.  
21 Q Do you recall ever hitting Mr. Park  
22 with a ruler at any time during Mr. -- well, stop  
23 right there.  
24 A No, I did not.  
25 Q Do you ever recall grabbing Mr. Park by

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1 the ear at any time since his employment began at  
2 U. Lim?  
3 A No, I don't remember.  
4 Q No, you did not, or no, you don't  
5 remember?  
6 A I do not remember.  
7 Q Do you recall grabbing Mr. Kang's ear  
8 at any time during the course of his employment?  
9 A No, I did not.  
10 Q Did you ever instruct Mr. Park or  
11 Mr. Kang to do jumping jacks or to do squats in front  
12 of you?  
13 A No. It's not even military. No, I did  
14 not do that.  
15 Q What do you mean by "it's not even  
16 military"?  
17 A I served in the military in Korea, so I  
18 don't understand what you are asking now.  
19 Q I'm just asking whether or not you ever  
20 instructed Mr. Park or Mr. Kang to do jumping jacks  
21 or to do squats in front of you.  
22 A No, I did not.  
23 Q Did you ever throw an ashtray at  
24 Mr. Park, Mr. Yoon?  
25 A No.

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U. LIM AMERICA

TAE JIN YOON, VOL3  
02/03/00

1 Q What's your best estimate when you told  
2 Mr. Cho this?  
3 A I do not remember.  
4 Q Was it a month ago? A year ago?  
5 A I do not remember.  
6 Q So at some point between the time you  
7 learned about the lawsuit and the time you met with  
8 Mr. Cho and your attorney three days ago, you told  
9 Mr. Cho that you had never struck Mr. Park with a  
10 ruler; is that correct?  
11 A I think so.  
12 Q Was there anyone present when you had  
13 this conversation?  
14 MR. BATTENFELD: Do you mean besides Mr. Cho?  
15 MR. GREY: Yes, obviously.  
16 THE WITNESS: No.  
17 BY MR. GREY:  
18 Q And when you told Mr. Cho this, were  
19 you discussing the litigation?  
20 A I was told that what has been filed.  
21 Q So did you have this discussion with  
22 Mr. Cho at that first meeting when he reviewed the  
23 complaint with you?  
24 MR. BATTENFELD: And I want to remind the  
25 witness he shouldn't guess unless he has a

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1 recollection.  
2 THE WITNESS: I don't know when it was.  
3 BY MR. GREY:  
4 Q But you have a specific recollection of  
5 that conversation, correct?  
6 A A few things I do remember.  
7 Q What else do you remember about that  
8 conversation?  
9 A About yelling.  
10 MR. BATTENFELD: Just for clarification, are  
11 you asking about the conversation where he told  
12 Mr. Cho that he didn't hit Mr. Park --  
13 MR. GREY: That's the conversation --  
14 MR. BATTENFELD: -- or are you asking about  
15 some other conversation?  
16 MR. GREY: That's the conversation we've been  
17 talking about.  
18 THE WITNESS: I don't recall whether I met him  
19 in person and talked about it or on the phone.  
20 BY MR. GREY:  
21 Q I don't care whether it was in person  
22 or on the phone right now. I'm just talking about  
23 that conversation. And you indicated that there were  
24 a few things you discussed in that conversation,  
25 including the fact that you did not strike Mr. Park,

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1 and I was asking you what those few things were.  
2 A Such as overtime, sort of things.  
3 Q What other sort of things?  
4 A I do not remember.  
5 Q You mentioned yelling and overtime,  
6 correct?  
7 A Yes, I did.  
8 Q And did Cho first mention to you about  
9 the allegation of yelling?  
10 A Yes, it was.  
11 Q Did he agree that you did that?  
12 THE INTERPRETER: "Did he agree that you did  
13 that?"  
14 MR. GREY: Uh-huh.  
15 MR. BATTENFELD: And I'll object that the  
16 question is ambiguous as to what you mean by "that."  
17 BY MR. GREY:  
18 Q You can answer.  
19 MR. BATTENFELD: Only if you understand the  
20 question.  
21 THE WITNESS: No, I did not.  
22 BY MR. GREY:  
23 Q I'm not asking you what you did. I'm  
24 asking you, when Mr. Cho raised the allegation about  
25 your yelling, did he agree that you had yelled at

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1 Mr. Kang?  
2 A I don't understand your question.  
3 Q You indicated that Mr. Cho raised the  
4 issue or allegation of you yelling at Mr. Kang; is  
5 that correct?  
6 A No.  
7 Q Mr. Cho didn't raise that issue or  
8 allegation?  
9 A I only heard from him that Kang said  
10 like that in the complaint.  
11 Q So he told you about the allegation in  
12 the complaint that you were yelling at Mr. Kang,  
13 correct?  
14 A Yes, it was.  
15 Q And when Mr. Cho told you about this  
16 allegation, did he indicate to you in any way that he  
17 agreed that those things had happened, the yelling?  
18 A No.  
19 Q Did you deny to Mr. Cho that you had  
20 ever yelled at Mr. Kang at that meeting?  
21 MR. BATTENFELD: You're asking did he deny  
22 that he ever yelled at Mr. Kang?  
23 MR. GREY: At the meeting.  
24 THE WITNESS: I don't remember.  
25 BY MR. GREY:

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U. LIM AMERICA

TAE JIN YOON, VOL3  
02/03/00

1 Q During 1994, who would usually prepare  
2 the lunch meals?  
3 A All of them brought their own lunches.  
4 Q Did you bring your lunch?  
5 A Of course.  
6 Q Do you have any recollection of either  
7 Mr. Park or Mr. Kang preparing your lunch during  
8 these lunch meals?  
9 A Kang frequently did not bring his  
10 lunch, so he prepared it for his lunch. I think  
11 there were times that he did, and there are times  
12 they shared and then ate together.  
13 Q Was it the case that either Mr. Park or  
14 Mr. Kang were responsible for preparing your rice for  
15 your lunch?  
16 A My wife packs my lunch.  
17 Q Was it the common practice of the  
18 department heads to wait for you before they had  
19 lunch?  
20 MR. BATTENFELD: And I'll object to the  
21 question as ambiguous with respect to the phrase  
22 "common practice."  
23 THE WITNESS: At the time that we did not have  
24 a lunch room; therefore, there is a space that --  
25 right in front of my office. If I open my office

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1 door, right there, there is tables, so we had lunch  
2 there.  
3 BY MR. GREY:  
4 Q But would they normally wait for you  
5 before beginning lunch?  
6 A No, it was not. My office was located  
7 in upstairs, second floor, and the managers were in  
8 downstairs. We always had lunch on second floor.  
9 Q Is that because they always ate lunch  
10 with you?  
11 A I don't understand your question.  
12 Q Well, you indicated that you always ate  
13 lunch on the second floor, correct?  
14 A Yes.  
15 Q And that was directly outside your  
16 office, correct?  
17 A Yes.  
18 Q Okay. My question to you was, did you  
19 always eat lunch together directly outside your  
20 office?  
21 A Yes.  
22 Q And would you consider it rude if they  
23 began lunch without you?  
24 A No, not at all.  
25 Q Do you recall them ever eating lunch

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1 without you when you were at the facility?  
2 A Of course. I'm sure they did when I  
3 had things to do outside.  
4 Q No, I'm talking about when you were at  
5 the facility.  
6 A I do not remember.  
7 Q Do you recall having poker parties with  
8 you and the department heads?  
9 A Are you saying poker party?  
10 Q Yes.  
11 MR. BATTENFELD: I'll object to the question  
12 as ambiguous as to what you mean by "poker party."  
13 Do you mean do they play poker or do they have a  
14 party while they play poker?  
15 BY MR. GREY:  
16 Q Do you understand the question?  
17 A No, I don't understand.  
18 Q Well, do you remember getting together  
19 with the department heads to play poker?  
20 A Yes, I do.  
21 Q And did you do so at your house,  
22 correct?  
23 A Yes, we did at my house.  
24 Q Is that the normal place that you would  
25 hold these poker games?

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1 A Yes, it was.  
2 Q And how often, in 1994, would you hold  
3 these poker games?  
4 A From 1994 to 1998, I do not recall how  
5 many times we did.  
6 Q What's your best estimate of how many  
7 times these occurred?  
8 MR. BATTENFELD: And here he's asking for a  
9 range you're comfortable with. In other words, was  
10 it more than once? More than five times? Less than  
11 10 times? Less than 20 times?  
12 THE WITNESS: I think about three or four  
13 times in a year. But however, that is not very  
14 precise.  
15 BY MR. GREY:  
16 Q And who generally would be at the  
17 games?  
18 A I and managers.  
19 Q And you're referring now to department  
20 heads?  
21 A Yes.  
22 Q Anyone else other than you and the  
23 department heads?  
24 A Yes, there are a few times that company  
25 people came.

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1 and whether you're limiting your question to when he  
2 was at the Tijuana facility as opposed to either at a  
3 customer meeting or away on a business trip.

4 MR. GREY: I'll limit it to Tijuana.

5 THE WITNESS: I think that I stayed even  
6 beyond that hour. There were times that I stayed  
7 beyond that hour.

8 BY MR. GREY:

9 Q And when you were at the facility, the  
10 department heads were generally at the facility,  
11 correct?

12 A When they worked -- are you asking that  
13 when I was working there late hours, those department  
14 heads were there?

15 Q Yes.

16 A No, people, when they need to go, they  
17 left. I stayed there, because I had things to do.

18 Q In 1994, how often do you recall  
19 staying at work at the Tijuana facility up to and  
20 including 8:00 o'clock?

21 MR. BATTENFELD: And I'll object to the  
22 question as being ambiguous as to the phrase "up to  
23 and including 8:00 o'clock."

24 THE WITNESS: I do not remember.

25 BY MR. GREY:

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1 Q Just to clarify, you indicated that  
2 sometimes you would stay until 8:00 o'clock, correct?

3 A Yes.

4 Q And in 1994, how many times do you  
5 remember staying until 8:00 o'clock at work at the  
6 facility?

7 A I do not remember.

8 Q Do you have any estimate as to how many  
9 times you stayed at work until 8:00 o'clock at the  
10 facility in 1995?

11 A I do not remember from 1994 -- 1995 to  
12 1998 how many times I stayed late.

13 Q And you indicated that sometimes you  
14 stayed past 8:00 p.m. What's the latest you recall  
15 staying at the facility working during the course of  
16 Mr. Kang's employment?

17 A No, I don't remember.

18 Q And you have no estimate; is that  
19 correct?

20 A That's correct.

21 Q Did you have any timecards at the  
22 facility for the U. Lim America employees?

23 A No.

24 Q Did you have any timecards for the  
25 U. Lim Mexico employees?

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1 A Yes.

2 Q And where are these timecards kept?

3 A In Mexico.

4 Q And who's in charge of maintaining  
5 these records?

6 A Ilma, the female staff.

7 Q And do you know how long you've  
8 maintained the time records for U. Lim Mexico?

9 Timecards.

10 A I don't know about that. I am just  
11 assuming that they're kept about a year.

12 MR. BATTENFELD: You don't want to guess.

13 BY MR. GREY:

14 Q You never gave anyone any instructions  
15 to destroy those records, correct?

16 A No, I did not.

17 Q Did you frequently have arguments with  
18 Mr. Park during t of course of Mr. Kang's employment?

19 MR. BATTENFELD: And I'll object to the  
20 question as being ambiguous with respect to the word  
21 "frequently."

22 THE WITNESS: I don't understand when you say  
23 the word "argue."

24 BY MR. GREY:

25 Q An angry discussion.

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1 A I conversed with him about the work  
2 rather than arguing.

3 Q So you don't recall actually having  
4 arguments with Mr. Park during the course of  
5 Mr. Kang's employment?

6 MR. BATTENFELD: And by that you mean angry  
7 discussions?

8 MR. GREY: Angry discussions.

9 THE WITNESS: I mean, you do work, but there  
10 are times that you get upset, you get angry.

11 BY MR. GREY:

12 Q And would you yell at Mr. Park when you  
13 got angry?

14 A I think I did -- there were times that  
15 I did.

16 Q And during the course of Mr. Kang's  
17 employment, give me your best estimate as to how  
18 frequently you would have these angry discussions or  
19 arguments with Mr. Park on a weekly or monthly basis.

20 MR. BATTENFELD: And I'll object that the  
21 question is compound, ambiguous and overbroad.

22 THE WITNESS: I do not remember.

23 BY MR. GREY:

24 Q So you might have had these arguments  
25 with Mr. Park as frequently as daily? Weekly?

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TAE JIN YOON, VOL3  
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1 Q Either. Do you remember a gas leak  
2 either at the plant or one that affected the plant?  
3 A Yes, there was an incident.  
4 Q Wasn't there more than one occasion  
5 that this occurred?  
6 A I believe that there was once. I think  
7 about twice.  
8 Q And do you know what caused this gas  
9 leak, or what the gas was?  
10 A I understood that the factory next was  
11 careless -- the next factory was careless. That's  
12 why.  
13 MR. BATTENFELD: Next to U. Lim's factory?  
14 THE INTERPRETER: He didn't say "U. Lim" but  
15 he -- so I couldn't say "U. Lim," but he said "next."  
16 THE WITNESS: Different company, the next,  
17 different company.  
18 BY MR. GREY:  
19 Q Do you know what that gas was?  
20 A Propane, I think.  
21 Q And who first informed you of the gas  
22 leak affecting the U. Lim facility?  
23 MR. BATTENFELD: And I'll object to the  
24 question as ambiguous as to which leak incident  
25 you're referring to.

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1 THE WITNESS: I do not remember.  
2 BY MR. GREY:  
3 Q You don't remember for either incident?  
4 A No, I don't remember.  
5 Q Do you remember either Mr. Park,  
6 Mr. Kang or Mr. Cho recommending that you evacuate  
7 the plant?  
8 A I don't know from whom I received the  
9 report, but I came to the facility after they already  
10 evacuated the people from the facility to outside.  
11 Q Do you know how long it took -- well,  
12 strike that.  
13 Do you know if anybody was injured  
14 and/or fainted as a result of this gas leak? At your  
15 facility.  
16 A I think because of the smell, there  
17 were headache instance.  
18 Q Do you know if anybody was hospitalized  
19 as a result of this gas leak? At your facility.  
20 A I remember that one person was taken  
21 to.  
22 Q Did you ever tell Mr. Park that the gas  
23 leak was not serious and that he should continue to  
24 keep the production line working?  
25 A No, I did not.

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1 Q And did you ever stop the production as  
2 a result of a gas leak?  
3 MR. BATTENFELD: You're asking whether he  
4 personally stopped production or whether the company  
5 stopped production?  
6 MR. GREY: I'll ask him personally.  
7 THE WITNESS: The company stopped.  
8 BY MR. GREY:  
9 Q But you did not instruct the stopping  
10 of the production?  
11 A That is correct. Before I was aware  
12 that the production line had stopped.  
13 Q By the way, did you ever tell Mr. Park,  
14 Mr. Kang or anyone else at U. Lim that you had been a  
15 gang member back in Korea?  
16 MR. BATTENFELD: I think it was translated  
17 whether U. Lim was a gang member.  
18 THE INTERPRETER: That I heard.  
19 MR. BATTENFELD: I think we --  
20 THE INTERPRETER: I may have misheard.  
21 MR. BATTENFELD: Why don't you read back the  
22 question.  
23 (Record read.)  
24 THE WITNESS: No, I did not.  
25 BY MR. GREY:

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1 Q Did you ever talk to Mr. Ko about this  
2 litigation at any time?  
3 A No.  
4 Q Was there ever an occasion where you  
5 found Mr. Ko sleeping at his desk?  
6 A I do not recall.  
7 Q Do you ever recall slapping Mr. Ko in  
8 the head at any time?  
9 A No, I did not.  
10 Q Was Mr. Ko terminated from U. Lim's  
11 employment by you?  
12 A No, I did not.  
13 Q Did Mr. Ko ever officially work for  
14 U. Lim America or did he always work as an employee  
15 of U. Lim Korea?  
16 A That, I do remember right now.  
17 Q Do you know why Mr. Ko stopped working  
18 at U. Lim America?  
19 A I understand that he had some -- the  
20 parents, some matters in Korea. Therefore, he went  
21 back to Korea.  
22 MR. GREY: Is that "parents"?  
23 THE INTERPRETER: "Parents."  
24 BY MR. GREY:  
25 Q Do you know why Mr. Baek left U. Lim

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1 you yelled at him?  
2 A No.  
3 Q Do you think it was appropriate for you  
4 to yell at Mr. Park?  
5 MR. BATTENFELD: And I'll object that the  
6 question is an incomplete hypothetical and is  
7 ambiguous, without context as to which particular  
8 situation you're referring to.  
9 THE WITNESS: I don't understand your  
10 question.  
11 BY MR. GREY:  
12 Q Well, do you think it's inappropriate  
13 to yell at employees?  
14 MR. BATTENFELD: And again, I'll object. The  
15 question is an incomplete hypothetical and  
16 unintelligible without any context as to what kind of  
17 yelling you're referring to.  
18 THE WITNESS: I do not know.  
19 BY MR. GREY:  
20 Q You don't know whether it's  
21 inappropriate or not?  
22 THE INTERPRETER: I have a hard time -- I  
23 tried my best to translate that "appropriate" to the  
24 right the word in Korean. So I more translated it as  
25 whether it's -- I like to translate it more like

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1 okay, it's okay to have that manner or like that, to  
2 that. But since there is a perfect word -- "manner"  
3 was not said by Mr. Grey -- I am not translating by  
4 using that word, "manner." But however in Asia,  
5 they're very sensitive about selecting when it comes  
6 down to mannerisms, proper, improper. So I am having  
7 little problem of that word.  
8 BY MR. GREY:  
9 Q Do you think it's okay --  
10 THE INTERPRETER: Yes, yes. Thank you.  
11 BY MR. GREY:  
12 Q -- to yell at your employees?  
13 MR. BATTENFELD: And again, I'll object. The  
14 question is an incomplete hypothetical and  
15 unintelligible in the absence of any context of what  
16 type of yelling or the context of the yelling that  
17 you're referring to. And the witness should only  
18 answer if he's able to answer, given the problems  
19 with the question.  
20 THE WITNESS: I do not know.  
21 BY MR. GREY:  
22 Q Well, you indicated that you have  
23 yelled at Mr. Park before, correct?  
24 A Yes, I did.  
25 Q On those occasions, do you believe it

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1 was okay to yell at Mr. Park?  
2 MR. BATTENFELD: And again, I'll object. The  
3 question is ambiguous and unintelligible as to time  
4 frame and as to the specifics of any particular  
5 yelling.  
6 THE WITNESS: I do not know.  
7 BY MR. GREY:  
8 Q On those occasions when you yelled at  
9 Mr. Park, do you think it was okay to yell at  
10 Mr. Park -- strike that.  
11 On those occasions when you yelled at  
12 Mr. Kang, do you think it's okay to yell?  
13 MR. BATTENFELD: And again, I'll object. The  
14 question is ambiguous and unintelligible as to what  
15 particular incident is being referred to --  
16 MR. GREY: I'm referring to all incidents.  
17 MR. BATTENFELD: Let me finish my objection.  
18 And I'll object that the question is ambiguous and  
19 unintelligible with respect to the word "okay."  
20 THE WITNESS: I do not know.  
21 BY MR. GREY:  
22 Q Do you think it's appropriate, in a  
23 business context, to yell at Mr. Kang the way you  
24 admittedly yelled at Mr. Kang?  
25 MR. BATTENFELD: I'll object that the question

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1 is vague and ambiguous as to the phrase "appropriate  
2 in a business sense," ambiguous and unintelligible in  
3 terms of the reference to the way he yelled at  
4 Mr. Kang, since there has been no testimony about the  
5 circumstances of any particular yelling at Mr. Kang.  
6 THE WITNESS: I do not know.  
7 BY MR. GREY:  
8 Q Would you describe yourself as having a  
9 temper, Mr. Yoon?  
10 MR. BATTENFELD: I'll object that the question  
11 is ambiguous with respect to the phrase "a temper."  
12 THE WITNESS: I do not know.  
13 BY MR. GREY:  
14 Q Do you know what the word "temper"  
15 means?  
16 A Yes, I do.  
17 Q Do you consider the fact that you have  
18 a temper?  
19 MR. BATTENFELD: Same objections.  
20 THE WITNESS: I think I have that as much as  
21 others have.  
22 BY MR. GREY:  
23 Q Do you believe that you are more easily  
24 angered than, say, the other employees at U. Lim?  
25 MR. BATTENFELD: And I'll object that the

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1 supposed to receive at U. Lim Korea?  
2 A For the training of purchasing  
3 materials.  
4 Q And who performed his job while he was  
5 gone?  
6 A I don't remember.  
7 Q Are you aware of the fact that Ki Hwa  
8 Yoon considered Mr. Kang his favorite at U. Lim  
9 America?  
10 A I do not know.  
11 Q Did you consider Mr. Kang to be your  
12 favorite of the department heads?  
13 A I don't particularly like one person  
14 above the others. I like them equally.  
15 Q Did you ever consider terminating  
16 Mr. Park?  
17 A No, I never did.  
18 Q Did you ever consider terminating  
19 Mr. Kang?  
20 A No, I never did.  
21 Q And did you ever consider terminating  
22 Mr. Cho?  
23 A No, I never did.  
24 Q Did you feel each of your department  
25 heads performed their jobs well?

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1 A Yes.  
2 Q Did you ever have any problems with  
3 Mr. Kang's performance?  
4 MR. BATTENFELD: And I'll object to the  
5 question as being ambiguous as to the phrase  
6 "problems with Mr. Kang's performance."  
7 THE WITNESS: I don't know.  
8 BY MR. GREY:  
9 Q Did you ever have any problems -- that  
10 means difficulties -- with Mr. Kang's performance of  
11 his job duties?  
12 MR. BATTENFELD: Same objection.  
13 THE WITNESS: It's very difficult for me to  
14 say, because when you say the "duties," there are  
15 times that you do well; there are times that you  
16 don't do well. So it's more like cycling, so very  
17 hard to say about it.  
18 BY MR. GREY:  
19 Q Did you ever have any problems or  
20 difficulties with Mr. Park's performance at any time?  
21 A It's also same.  
22 Q It's your understanding Mr. Kang quit,  
23 correct?  
24 A Yes, it is.  
25 Q Did you ever tell anyone, "Why hasn't

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1 Mr. Kang quit yet?"  
2 A No.  
3 Q Did you ever tell Mr. Kang or anyone  
4 else that Mr. Kang should quit?  
5 A No, I did not.  
6 Q When you hired Mr. Kang or at any time  
7 thereafter, did you ever indicate to Mr. Kang what  
8 his expected hours were to be?  
9 A I only told him the time he begin to  
10 work.  
11 Q And what did you tell him at that time?  
12 A 7:30.  
13 Q And you didn't tell him anything with  
14 respect to his ending time?  
15 A No, I did not.  
16 Q And what representations did you make  
17 to Mr. Kang at the time you hired him or any time  
18 thereafter about what compensation he was to receive?  
19 MR. BATTENFELD: And I'll object that the  
20 question is overbroad and ambiguous as to time frame  
21 and as to the phrase "compensation." I also object  
22 that the question calls for a legal conclusion to the  
23 extent he used the word "representations."  
24 THE WITNESS: No, I did not.  
25 BY MR. GREY:

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1 Q You didn't make any representations to  
2 him regarding what he'd be paid at U. Lim at any  
3 time?  
4 MR. BATTENFELD: Are you including any salary  
5 increases he may have been informed of, anything like  
6 that?  
7 MR. GREY: Anything to do with pay.  
8 MR. BATTENFELD: Did you have any discussions  
9 about pay, where you may have told him what his  
10 salary was or would be?  
11 THE WITNESS: I believe I stated to him the  
12 initial -- the wage when he entered the company.  
13 BY MR. GREY:  
14 Q What do you mean by "ways"?  
15 A Salary.  
16 MR. BATTENFELD: "Wage."  
17 THE WITNESS: Wage, salary.  
18 BY MR. GREY:  
19 Q So you did tell him what his salary was  
20 going to be when you initially hired him, correct?  
21 A Yes, at the beginning.  
22 Q And do you recall what that salary was?  
23 A No, I don't recall.  
24 Q Do you recall whether you indicated to  
25 him when, if ever, he should expect raises of that

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1 A I felt that the company has many  
2 check-writing signers. I don't think it is good.  
3 Therefore, I asked to take me out.  
4 Q Do you have check-writing authority for  
5 U. Lim Mexico?  
6 A No.  
7 Q When did you stop having check-writing  
8 authority for U. Lim Mexico?  
9 A I do not remember.  
10 Q Was it the same time that you stopped  
11 having check-writing authority for U. Lim America?  
12 A I think so.  
13 Q And you are still president of U. Lim  
14 Mexico, correct?  
15 A Yes, it is.  
16 Q Who has the check-writing authority now  
17 for U. Lim Mexico?  
18 A Cho and the president, Ki Hwa Yoon.  
19 Q And who has check-writing authority now  
20 for U. Lim America?  
21 A The president alone.  
22 Q And by that you mean Ki Hwa Yoon?  
23 A Yes, it is.  
24 Q Anyone else?  
25 A I don't think there is any.

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1 Q Ki Hwa Yoon, is he primarily engaged in  
2 managing U. Lim Korea versus U. Lim America?  
3 A I don't understand your question.  
4 Q Does Ki Hwa Yoon spend more time  
5 managing U. Lim Korea than he does managing U. Lim  
6 America?  
7 A No, that's not the situation. It can  
8 be different according to situation.  
9 Q Isn't it true that he spends  
10 approximately eight months out of twelve in Korea, on  
11 average?  
12 A I don't know.  
13 Q In the course of the past year, what's  
14 your best estimate?  
15 A I remember more like 50/50.  
16 I like to have break.  
17 (Recess.)  
18 BY MR. GREY:  
19 Q Mr. Yoon, you indicated you presently  
20 have no check-writing authority for either U. Lim  
21 Mexico or U. Lim America, correct?  
22 A Yes, it is.  
23 Q Do you have settlement authority in  
24 this case?  
25 THE INTERPRETER: I will explain that

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1 "settlement" in Korean.  
2 MR. BATTENFELD: Let me take a break, and I'm  
3 going to talk -- since this is a legal issue, I want  
4 to talk with Mr. Yoon so I can explain to him the  
5 meaning of the legal term.  
6 (Recess.)  
7 BY MR. GREY:  
8 Q You've had an opportunity to speak with  
9 your attorney now, so I'm going to ask you the  
10 question: Do you have settlement authority in this  
11 case?  
12 THE INTERPRETER: Since then, I will use those  
13 two words, "settlement authority," in English.  
14 THE WITNESS: Yes.  
15 BY MR. GREY:  
16 Q Is that settlement authority within  
17 preauthorized limits or can it be anything?  
18 MR. BATTENFELD: Objection. And I'll instruct  
19 the witness not to answer that question as invading  
20 any strategic privilege to decisions we may have  
21 about the parameters of settlement.  
22 MR. GREY: Let me just see if I can clarify.  
23 Q Before you made a settlement decision,  
24 if any, would you need to seek approval of Ki Hwa  
25 Yoon?

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1 MR. BATTENFELD: I'll object to the question  
2 as being ambiguous as to whether you mean as a legal  
3 matter or whether you mean as either a familial  
4 matter or a business matter.  
5 MR. GREY: As a business matter.  
6 THE WITNESS: I have to confer.  
7 BY MR. GREY:  
8 Q With Mr. Yoon, correct?  
9 A Yes.  
10 Q Have you ever sworn or cursed at the  
11 U. Lim America employees?  
12 A No, I do not.  
13 Q Have you ever heard the phrase "ssip  
14 ssae" or "ssip ssae kki"?  
15 THE INTERPRETER: I know what you are saying.  
16 I don't like to even repeat that word.  
17 THE WITNESS: No, I did not.  
18 BY MR. GREY:  
19 Q I asked you if you have heard it.  
20 A In Korean, yes, I have heard.  
21 Q Now, I'm going to ask you, did you ever  
22 say that to any U. Lim America employee?  
23 A No, I did not.  
24 Q Did you ever use the phrase  
25 "underemployee"? I'm referring to any U. Lim America

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1 BY MR. GREY:

2 Q And when you refer to "development,"  
3 what are you referring to?

4 A New item development.

5 Q Okay. And in the period of 1994  
6 through 1998, how many new units or items did you  
7 develop?

8 A I don't remember.

9 Q For instance, 1997, how many different  
10 types of components or items did U. Lim America  
11 produce or sell?

12 A I do not recall.

13 Q I'm just asking for the number of  
14 products, for instance, in 1997 U. Lim America  
15 produced and your best estimate of the number of  
16 products.

17 MR. BATTENFELD: Types of products?

18 MR. GREY: Types of products.

19 THE WITNESS: In detail, you could say about  
20 40 kinds.

21 BY MR. GREY:

22 Q Okay. And do you have any estimate as  
23 to how many new product lines you added in 1997?

24 A I don't remember.

25 Q Just what's your best estimate?

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1 basis, correct?

2 A No, it's not necessarily that you say,  
3 every day. Usually about the -- about couple times,  
4 you get the materials from -- shipped from Korea in a  
5 container when it comes down to purchasing.

6 Therefore, I think that the department heads, they  
7 take care of that.

8 Q Of the three topics, you mentioned --  
9 quality issues, product development issues and  
10 purchasing issues -- which of those were dealt with  
11 more frequently than the others with U. Lim Korea?

12 MR. BATTENFELD: And I'll object that the  
13 question calls for speculation and lacks foundation  
14 as to whether this witness would know -- have  
15 personal knowledge of all the communications going on  
16 with U. Lim Korea on those topics.

17 THE WITNESS: That, I wouldn't know.

18 BY MR. GREY:

19 Q Weren't you made aware by Mr. Park of  
20 any product rejects or quality control problems with  
21 the U. Lim Korea components?

22 A Yes, we talk when it's major issue.

23 Q Major issue?

24 A Yes.

25 Q But Mr. Park would report quality

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1 A I do not remember.

2 Q Well, on average, did you add one or  
3 two new product lines a year? Five or six? Whatever  
4 your best estimate is.

5 A That, I don't remember.

6 Q The development issues, those were  
7 related to adding new product lines, correct?

8 A I don't understand your question.

9 Q Well, you indicated that your dealings  
10 with U. Lim Korea included development issues,  
11 correct?

12 A Yes, it is.

13 Q And I assume that those development  
14 issues related to the adding of new product lines,  
15 correct?

16 A Yes, it is.

17 Q So that's why I've asked you what your  
18 best estimate is as to the number of product lines  
19 you would add in a given year.

20 A That, I don't remember.

21 Q Well, would you discuss product  
22 developments with U. Lim Korea on a daily basis?

23 A Not every day.

24 Q But generally speaking, you would be  
25 purchasing products from U. Lim Korea on a daily

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1 issues to you on a daily basis, correct?

2 A Yes, it is.

3 Q And if there was a problem with the  
4 quality of any of the U. Lim Korea components,  
5 whether that was a small problem or a big problem,  
6 you'd want to know about it, correct?

7 A I only pay attention to the major  
8 problem, because when it's a minor problem, the  
9 department heads can take care of it always.

10 Q Who, at U. Lim America, was in charge  
11 of product development?

12 A I and Cho.

13 Q So then you would have a good  
14 understanding of how frequently you would contact  
15 U. Lim Korea to discuss product development issues,  
16 correct?

17 A Yes, I do, but however, I do not  
18 remember how I did -- I cannot recall.

19 Q And at the daily meetings, Mr. Kang  
20 would report to you purchasing status, correct?

21 A Yes, it is.

22 Q So you were either directly or  
23 indirectly made aware of the purchasing, quality  
24 control and product development issues discussed with  
25 U. Lim Korea, correct?

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KANG V.  
U. LIM AMERICA

TAE JIN YOON, VOL3  
02/03/00

1 A Yes, it is.  
2 Q Mr. Cho was both your sales manager  
3 and, at a later point, your general manager, correct?  
4 A Yes, it is.  
5 Q Why didn't you hire a delivery person  
6 to handle this portion of Mr. Cho's responsibilities?  
7 MR. BATTENFELD: And I'll object that the  
8 question is argumentative and assumes facts that  
9 haven't been testified to, particularly given  
10 Mr. Cho's testimony that there was a delivery person.  
11 THE WITNESS: You're saying they did not hire  
12 the person for that?  
13 BY MR. GREY:  
14 Q Why didn't you hire a delivery person  
15 so that Mr. Cho did not have to actually deliver the  
16 goods?  
17 MR. BATTENFELD: And again, my objection,  
18 which I'd like you to translate, is that the question  
19 assumes a fact that has not been testified to. In  
20 other words, this witness has never testified that  
21 they didn't hire somebody to make deliveries.  
22 MR. GREY: Let me clarify.  
23 Q Did you have a delivery person at  
24 U. Lim America during the period of Mr. Kang's  
25 employment?

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1 employment, correct?  
2 MR. BATTENFELD: And again, I'll object that  
3 the question is overbroad and ambiguous as to time  
4 frame and with respect to the words "substantial  
5 amount."  
6 THE WITNESS: The departments did a lot.  
7 BY MR. GREY:  
8 Q But I'm asking you specifically about  
9 Mr. Cho.  
10 A I do not remember, because it is  
11 something Mr. Cho was in charge.  
12 Q Do you have any estimate, during the  
13 course of Mr. Kang's employment, on average, how many  
14 deliveries Mr. Cho would make in a given week?  
15 A I do not recall.  
16 Q Are you aware that a significant amount  
17 of his daily schedule or his work was spent  
18 delivering goods for U. Lim America during the course  
19 of Mr. Kang's employment?  
20 MR. BATTENFELD: And again, I'll object that  
21 the question is vague and ambiguous as to time frame  
22 and as respect to the phrase "significant amount."  
23 THE WITNESS: I don't remember.  
24 BY MR. GREY:  
25 Q Well, Mr. Cho was your sales manager.

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1 A American side? No, I didn't have an  
2 American side.  
3 Q On the Mexico side?  
4 A I think the Mexican side there are,  
5 since the department head, they hired the employees  
6 according to their needs.  
7 Q But it was the case that Mr. Cho still  
8 carried out a substantial portion of the deliveries  
9 personally, correct?  
10 MR. BATTENFELD: And I'll object that the  
11 question is overbroad and ambiguous as to time frame,  
12 assumes a fact that the witness hasn't testified to  
13 and is ambiguous with respect to the word  
14 "substantial."  
15 THE WITNESS: I do not know.  
16 BY MR. GREY:  
17 Q Well, you know that Mr. Cho personally  
18 delivered goods for U. Lim America during Mr. Kang's  
19 employment, correct?  
20 A Yes, I do.  
21 Q And he had a truck specifically for  
22 that purpose, correct?  
23 A Yes.  
24 Q And he did do a substantial amount of  
25 the deliveries for U. Lim America during Mr. Kang's

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1 A Yes.  
2 Q What did Mr. Cho do on the average day  
3 he spent at work during Mr. Kang's employment?  
4 MR. BATTENFELD: Richard, I'm going to cut you  
5 off unless you can explain to me how this line of  
6 inquiry has anything to do with Mr. Kang's case.  
7 MR. GREY: I'm establishing what the various  
8 duties of the department heads were, and the bottom  
9 line is that they were extremely overworked,  
10 including Mr. Cho. It's a very simple answer: What  
11 does Mr. Cho do?  
12 MR. BATTENFELD: It's not a simple answer. We  
13 could spend all day --  
14 MR. GREY: We're spending a lot of time all  
15 day, because the bottom line is, you're in essence  
16 instructing your client constantly to answer in the  
17 "I don't know" phrase, which he does every single  
18 time you interject.  
19 I just want to know, because Mr. Cho  
20 has testified --  
21 MR. BATTENFELD: I want you to point out on  
22 the record where I've instructed this witness to  
23 answer "I don't know." You point it out to me.  
24 MR. GREY: No, I'm not.  
25 MR. BATTENFELD: Then withdraw that last

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KANG V.  
U. LIM AMERICA

TAE JIN YOON, VOL3  
02/03/00

1 THE WITNESS: No, always same.  
2 BY MR. GREY:  
3 Q Is Ki Hwa Yoon, then, presently  
4 involved with the day-to-day activities of U. Lim  
5 America?  
6 A Who?  
7 Q Ki Hwa Yoon.  
8 A I don't know.  
9 Five minutes? I'd like to take a  
10 break.  
11 MR. GREY: Sure.  
12 (Recess.)  
13 BY MR. GREY:  
14 Q Mr. Yoon, at the end of Mr. Kang's  
15 employment, have your responsibilities at U. Lim  
16 America changed in any significant way?  
17 A Yes.  
18 Q And how have they changed?  
19 A I became more involved or in charge of  
20 abroad business entities.  
21 Q Does U. Lim America have any abroad  
22 business entities?  
23 A Yes.  
24 MR. BATTENFELD: You're asking about U. Lim  
25 America as opposed to U. Lim Korea?

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1 MR. GREY: U. Lim America.  
2 THE WITNESS: No, not U. Lim America.  
3 BY MR. GREY:  
4 Q So you've become actually more involved  
5 in the business of U. Lim Korea, correct?  
6 A No, it's not.  
7 Q What business entities, then, are you  
8 referring to?  
9 A To review the new business in a new  
10 place, new countries, and there are also market  
11 research.  
12 Q So your activities have been more  
13 involved in developing new business occasions or  
14 facilities; is that correct?  
15 A Including the products.  
16 Q And would those new business facilities  
17 and/or products be owned and/or operated by U. Lim  
18 Korea?  
19 A No, it's not.  
20 Q Who would they be owned and/or operated  
21 by?  
22 A That, we are reviewing. We are  
23 reviewing about that.  
24 Q Regardless of who -- or if you set up a  
25 new corporation for these facilities, are you looking

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1 at these new facility locations and product  
2 development on behalf of U. Lim Korea or on behalf of  
3 U. Lim America?  
4 A U. Lim, for U. Lim.  
5 Q Which U. Lim?  
6 A Regardless whether U. Lim America,  
7 U. Lim China, U. Lim Korea, it's for U. Lim.  
8 Q So basically the U. Lim family of  
9 corporations, correct?  
10 A Yes, it is.  
11 Q But you're still paid by U. Lim  
12 America, correct?  
13 A Yes, it is.  
14 Q Was there ever a time when Ki Hwa Yoon  
15 expressed his displeasure with you about how you were  
16 running U. Lim America?  
17 A No.  
18 Q The Otay Mesa office of U. Lim America,  
19 that was recently established, correct?  
20 A Yes.  
21 Q And U. Lim Mexico -- U. Lim America  
22 also moved its main production facilities to a new  
23 location in Tijuana, correct?  
24 A Yes, it is.  
25 Q Do you have an office at the U. Lim

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1 Mexico facility in Mexico?  
2 A Yes.  
3 Q Do you also have an office at the  
4 Otay Mesa facility?  
5 A Yes.  
6 Q And does anyone else have an office at  
7 the Otay Mesa facility?  
8 A Ki Hwa Yoon has his office there, and  
9 just that, I and him both.  
10 Q And approximately how far from U. Lim  
11 Mexico's facility is the Otay Mesa office?  
12 A You're saying between the U. Lim Mexico  
13 and Otay Mesa?  
14 Q Yes.  
15 A About 20 minutes.  
16 Q With these offices being as close as  
17 they are, why was a separate office established at  
18 Otay Mesa?  
19 MR. BATTENFELD: And I'll object that the  
20 question has no relevance to Mr. Kang's case, given  
21 that his employment ended over two years ago. And I  
22 would like an offer of proof as to any relevance of  
23 that inquiry as to the establishment of this new  
24 office.  
25 MR. GREY: Change of Mr. Yoon's position with

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KANG V.  
U. LIM AMERICA

TAE JIN YOON, VOL3  
02/03/00

1 day-to-day operations of U. Lim America, correct?  
2 A I don't understand your question.  
3 Q Well, you're no longer in charge of the  
4 day-to-day operations -- the supervision of the  
5 day-to-day operations of U. Lim America, correct?  
6 A Yes, I do.  
7 Q Do you still have daily meetings with  
8 Mr. Cho and Mr. Park?  
9 A No.  
10 Q When did you stop having those daily  
11 meetings?  
12 A I don't remember.  
13 Q Your best estimate.  
14 A I don't remember.  
15 Q During the course of Mr. Kang's  
16 employment, what vacations were provided to Mr. Kang  
17 on a yearly basis?  
18 A Summer leave and also Christmas.  
19 Q How much time was provided in summer?  
20 A I don't remember.  
21 Q Do you have an estimate?  
22 A I do not remember.  
23 Q How much time was provided at  
24 Christmas?  
25 A I think more than 10 days.

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8  
9 I, TAE JIN YOON, do hereby declare under  
10 penalty of perjury that I have read the foregoing  
11 transcript of my deposition; that I have made such  
12 corrections as noted herein, in ink, initialed by me,  
13 or attached hereto; that my testimony as contained  
14 herein, as corrected, is true and correct.  
15 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
16 20\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_  
(City) (State)

TAE JIN YOON  
Volume 3

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1 Q And was the summer leave a paid leave?  
2 A I believe that it was paid.  
3 Q The Christmas leave, was that paid?  
4 A It's the same.  
5 Q There's no staff at the Otay Mesa  
6 facility, correct?  
7 A That's correct.  
8 MR. GREY: Well, I hate to bring our special  
9 time to an end, but I think that's it.  
10 (Discussion off the record.)  
11 MR. GREY: The stipulation was that the  
12 original be forwarded to defense counsel's office,  
13 the deponent would have 30 days to read and sign the  
14 transcript, and then defense counsel will notify us  
15 within five business days of any changes to the  
16 transcript. If for any reason the transcript is --  
17 the original is lost, misplaced or stolen or  
18 otherwise unavailable, then a certified copy can be  
19 used in its stead, and we relieve the court reporter  
20 of her duties under the code.  
21 Pretty much covers it?  
22 MR. BATTENFELD: I think so. If it doesn't,  
23 we've covered it in prior depositions.  
24 /  
25 /

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1 STATE OF CALIFORNIA )  
2 ) ss  
3 COUNTY OF SAN DIEGO )  
4  
5 I, the undersigned, a Certified  
6 Shorthand Reporter of the State of California, do  
7 hereby certify:  
8 That the foregoing proceedings were  
9 taken before me at the time and place herein set  
10 forth; that any witnesses in the foregoing  
11 proceedings, prior to testifying, were placed under  
12 oath; that a verbatim record of the proceedings was  
13 made by me using machine shorthand which was  
14 thereafter transcribed under my direction; further,  
15 that the foregoing is an accurate transcription  
16 thereof.  
17 I further certify that I am neither  
18 financially interested in the action nor a relative  
19 or employee of any attorney of any of the parties.  
20 IN WITNESS WHEREOF, I have this date  
21 subscribed my name.

Dated: \_\_\_\_\_

GAIL L. INGRAM  
CSR No. 8635

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KANG VS.  
U. LIM AMERICA

JAE HO CHO  
01/06/00

1	UNITED STATES DISTRICT COURT	1	APPEARANCES:
2	SOUTHERN DISTRICT OF CALIFORNIA	2	For the Plaintiff:
3		3	LAW OFFICE OF RICHARD E. GREY
4	SOO CHEOL KANG,		BY: RICHARD E. GREY
5	Plaintiff,	4	Attorney at Law
6	vs.	5	409 Camino Del Rio South, Suite 303
7	U. LIM AMERICA, INC.; TAE		San Diego, California 92108
8	JIN YOON, an individual; and	6	(619) 543-9300
9	DOES 1 to 100,		
10	Defendants.	7	For the Defendants:
11		8	MORGAN, LEWIS & BOCKIUS
12		9	BY: JOHN S. BATTENFELD
13		10	Attorney at Law
14		11	300 South Grand Avenue, 22nd Floor
15		12	Los Angeles, California 90071
16		13	(213) 612-2500
17		14	Also Present:
18		15	SOO CHEOL KANG
19		16	
20		17	
21		18	
22		19	
23		20	
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KANG VS.  
U. LIM AMERICA

JAE HO CHO  
01/06/00

1 estimate as far as dates, numbers, things of that  
2 nature, and I'm entitled to your best estimate. Do  
3 you understand that?  
4 A Yes, I do.  
5 Q You can give an estimate in terms of how  
6 you feel comfortable.  
7 A Okay.  
8 Q Do you have any questions before we  
9 continue?  
10 A No, I don't.  
11 Q And where did you first meet Tae Jin  
12 Yoon?  
13 A I believe it was his house -- apartment.  
14 Q In what city?  
15 A Englewood. Englewood, Colorado.  
16 MR. BATTENFELD: With an "E."  
17 THE WITNESS: Yeah.  
18 BY MR. GREY:  
19 Q And so you knew him approximately six  
20 years before you began working at U. Lim?  
21 A No, I did not. I knew him for about two  
22 months.  
23 Q Okay. Let me just -- I thought you said  
24 you met Tae Jin Yoon through a friend in 1987.  
25 A Correct.

9

1 A Yes, I was.  
2 Q And why was he offering you this job  
3 having known you for such a short time?  
4 MR. BATTENFELD: Objection, calls for  
5 speculation.  
6 MR. GREY: If you know.  
7 THE WITNESS: Just needed a friend -- needed a  
8 person to work with him that could speak English.  
9 BY MR. GREY:  
10 Q When you met him back in 1987 through a  
11 friend, during those few months that you were still in  
12 Colorado, did you develop a relationship with him, a  
13 friendship?  
14 A I guess you could say that.  
15 Q And when he offered you employment with  
16 U. Lim, what was your understanding of his position at  
17 that time?  
18 A He was going to be the president of the  
19 Tijuana factory.  
20 Q And when you say "Tijuana factory," are  
21 you referring now to both entities U. Lim Mexico and  
22 U. Lim America?  
23 A No. I'm saying just the Mexican company.  
24 Q But he was going to be employing you with  
25 U. Lim America?

11

1 Q And you began working for U. Lim in March  
2 of '93?  
3 A Correct.  
4 Q Wouldn't that be approximately six years?  
5 A That is six years, but I knew him for  
6 about two months. Then he went back to Korea  
7 around -- shortly after I'd known him.  
8 Q So shortly after you met him in '87, he  
9 went back to Korea?  
10 A Correct.  
11 Q When was the next time you met him?  
12 A In San Diego. Well, I didn't meet him.  
13 I got a phone call from him.  
14 Q And when was that?  
15 A Approximately 1992 around December.  
16 Q And was that the first time you heard  
17 from Tae Jin since he left for Korea?  
18 A Correct.  
19 Q And what was the purpose of his  
20 contacting you in 1992?  
21 A He wanted a person -- he wanted to work  
22 with me down in San Diego, so he was offering me a  
23 job.  
24 Q And at the time he offered you that job,  
25 were you still in Colorado?

10

1 A Correct.  
2 Q What was his role with U. Lim America?  
3 A I believe it was as a vice-president.  
4 Q At the time he contacted you for  
5 employment, was the production facility in Mexico  
6 operating?  
7 A Yes, it was.  
8 Q Do you know how long it had been  
9 operating?  
10 A I believe it was from October '92.  
11 Q Okay. And from October of '92 to when  
12 you were hired, who were the managers at U. Lim  
13 America, if any?  
14 A I believe it was Mr. -- Mr. Kim. I  
15 forgot his first name. I believe it was Mr. Kim.  
16 Q Were there any other managers?  
17 A There were, but I can't recall.  
18 Q And when had Tae Jin made president or VP  
19 of U. Lim America?  
20 A I believe it was in January of '93.  
21 Q So basically in anticipation of him  
22 coming on board, he contacted you for offer of  
23 employment?  
24 A Correct.  
25 Q Do you know who the president was before

12

KANG VS.  
U. LIM AMERICA

JAE HO CHO  
01/06/00

1 questions relative to those interrogatories and to  
2 provide substantive answers. I'm just wondering did  
3 he provide those substantive answers.  
4 MR. BATTENFELD: Again whatever process we came  
5 up with to prepare the responses, whatever input I  
6 received from Mr. Cho would all be subject to  
7 attorney/client privilege.  
8 MR. GREY: Well, I think your discussions with  
9 Mr. Cho are privileged.  
10 MR. BATTENFELD: Correct.  
11 MR. GREY: But not to the extent that he as a  
12 representative is providing those -- the substance of  
13 the response, and it's going to be verified.  
14 MR. BATTENFELD: Whether it's verified is a  
15 different issue. But in terms of process by which the  
16 responses were prepared, it's privileged.  
17 MR. GREY: It's not the process I'm talking  
18 about. Let me just show you U. Lim America's  
19 substantive responses received by me yesterday.  
20 Q Did you assist in the preparation of  
21 those responses?  
22 MR. BATTENFELD: Again I'll object as  
23 ambiguous.  
24 For the record, I will represent that my  
25 office prepared those responses with assistance from

17

1 A Just the production employees was 13  
2 people. The management was 2 at that time. So a  
3 total of 15.  
4 Q And are you including Tae Jin Yoon in the  
5 two management?  
6 A Correct.  
7 Q And then Mr. Kim?  
8 A No. Mr. Kim wasn't there. Tae Jin Yoon  
9 took over Mr. Kim's position in January, and Mr. Ko  
10 was there at that time.  
11 Q At what point did you decide to take the  
12 job?  
13 A After I went back, thought about it. It  
14 was a good opportunity for me to -- maybe -- you know,  
15 for myself, so I took the job after about a couple of  
16 days discussing it with my wife.  
17 Q Did you voice any concerns to Tae Jin  
18 Yoon about taking the position?  
19 A Excuse me?  
20 Q Did you voice any concerns to Tae Jin  
21 Yoon about taking the position?  
22 A No, I didn't.  
23 Q So I assume you accepted -- well, when  
24 did you accept the position?  
25 A Like about three to four days after I

19

1 my client including Mr. Cho. Beyond that, I'm not  
2 going to allow any inquiry.  
3 THE WITNESS: Yes, I did.  
4 MR. GREY: And you haven't gotten verification  
5 for these yet?  
6 MR. BATTENFELD: Right.  
7 MR. GREY: Mr. Cho is the one verifying?  
8 MR. BATTENFELD: I presume he will be.  
9 BY MR. GREY:  
10 Q At the time you toured the plant in  
11 February of '93, did you accept the position at that  
12 time?  
13 A I still hesitated at that time.  
14 Q Any particular reason?  
15 A Well, I mean it was in Mexico, and there  
16 were hardly any employees at the time, and the  
17 facility was very small, and thinking about moving all  
18 my family down to San Diego was a very difficult  
19 decision, so I had to think about it.  
20 Q And approximately how many employees were  
21 employed at the time?  
22 A Around 13 people.  
23 Q You are including the production?  
24 A Just the production I'm talking about.  
25 Q Just the production on top of it?

18

1 visited the facility.  
2 Q And when you started the position, it was  
3 just Tae Jin Yoon, Mr. Ko, and yourself that was  
4 working for U. Lim America?  
5 A Yes.  
6 Q And as you indicated, Tae Jin Yoon was  
7 the vice-president at that time; correct?  
8 A Correct.  
9 Q Who was the president at that time?  
10 A I believe Mr. Ki Hwa Yoon was the chief  
11 executive officer and the president.  
12 Q And has that remained the case to this  
13 day for Ki Hwa Yoon?  
14 A Yes. That's correct.  
15 Q And when is the next point in time any  
16 managers were hired?  
17 A Are you including assistant managers,  
18 too?  
19 Q Yes.  
20 A The year of '94.  
21 Q And who is the first manager or assistant  
22 manager hired?  
23 A I believe it was Mr. Park.  
24 Q And I assume it was Mr. Kang who was  
25 hired next?

20

KANG VS.  
U. LIM AMERICA

JAE HO CHO  
01/06/00

1 stay in the States.  
2 Q Do you remember any occasion where Tae  
3 Jin Yoon indicated that he might send Mr. Park back to  
4 Korea?  
5 A I can't recall.  
6 Q Do you remember any occasion where  
7 Mr. Park told you that Tae Jin Yoon had threatened to  
8 send him back to Korea or that he was concerned that  
9 he was going to be sent back to Korea?  
10 A No. I can't -- I don't remember anything  
11 like that.  
12 Q What specific event, if anything, caused  
13 you to start the paperwork on Mr. Park in July of '99?  
14 And I'm referring right now to the green card.  
15 A He had requested and told Mr. Yoon about  
16 it, and Mr. Yoon, the chairman, had decided to process  
17 his green card.  
18 MR. BATTENFELD: Just for clarification, which  
19 Mr. Yoon are you referring to?  
20 THE WITNESS: Ki Hwa.  
21 MR. GREY: Ki Hwa?  
22 MR. BATTENFELD: I think you said the chairman.  
23 THE WITNESS: Did I say the chairman? Sorry.  
24 BY MR. GREY:  
25 Q You indicated you started working for U.

25

1 America?  
2 A Correct.  
3 Q U. Lim America sells the items?  
4 A Correct.  
5 Q When you are talking about sales figures,  
6 you are talking really what U. Lim America sold?  
7 A That's correct.  
8 Q And at the end of 1994, what were your  
9 sales revenues?  
10 A Estimate 2.5 million.  
11 Q And in '95?  
12 A It's an estimate. 4.2 million.  
13 Q '96?  
14 A It's an estimate. 6 million.  
15 Q And in '97?  
16 A 8 million.  
17 Q And throughout those years, you  
18 maintained your responsibilities as sales and  
19 marketing manager; correct?  
20 A Correct.  
21 Q So you would be the person most  
22 knowledgeable regarding the sales revenues of U. Lim?  
23 A Correct.  
24 Q Who was handling quality control before  
25 Mr. Park was hired?

27

1 Lim in March of '93. What were the sales revenues for  
2 U. Lim at the conclusion of '93?  
3 A 500,000.  
4 MR. BATTENFELD: Is that a guess or an  
5 estimate?  
6 THE WITNESS: It's almost a guess.  
7 MR. GREY: Just give us your best estimate.  
8 THE WITNESS: 500,000.  
9 BY MR. GREY:  
10 Q And when you tally up something like  
11 that, the sales revenues, are we talking about U. Lim  
12 America, or are we talking about U. Lim Mexico, or are  
13 we talking about the two of them together?  
14 A The two of them together.  
15 Q And just briefly, the items are actually  
16 produced by U. Lim Mexico; correct?  
17 A Correct.  
18 Q And are they then sold to U. Lim America?  
19 A No, it's not.  
20 Q Okay.  
21 A We have a corporation down in San Diego,  
22 U. Lim America, and we subcontract our items in  
23 Tijuana. So they are subcontractors. U. Lim Mexico  
24 is our subcontractor.  
25 Q Okay. So they produce items for U. Lim

26

1 A I believe Mr. Ko was handling that  
2 together with production.  
3 Q And who was handling purchasing and the  
4 warehouse?  
5 A At that time it was very small sales, so  
6 Mr. Ko was handling that, too.  
7 Q So other than sales and marketing, Mr. Ko  
8 is basically managing all the other daily activities  
9 of the business?  
10 A But I give a hand in the  
11 responsibilities. I help out in production. I help  
12 out in QC.  
13 Q Now, when Mr. Park and Mr. Kang came on  
14 board -- strike that.  
15 Did you have daily meetings with Tae Jin  
16 Yoon and Mr. Ko prior to Mr. Park being hired?  
17 A No, no. Not daily meetings. Maybe two  
18 to three times a week.  
19 Q Did those daily morning meetings start  
20 basically when Mr. Park and Mr. Kang were hired?  
21 A Well, since the revenues have been going  
22 up, yeah. It was -- yes. We did.  
23 Q And those daily meetings were normally  
24 done in the morning; correct?  
25 A Sometimes morning. Sometimes afternoon.

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1 of '98 he no longer became the QC department.  
2 Q Do you know if he was demoted at that  
3 time?  
4 A No.  
5 Q There was no reduction in salary as a  
6 result?  
7 A No.  
8 Q You are unsure whether or not you were  
9 general manager prior to Mr. Kang leaving U. Lim; is  
10 that correct?  
11 A Prior to Mr. Kang leaving U. Lim was I  
12 general manager? I was not.  
13 MR. BATTENFELD: Are you still thinking?  
14 THE WITNESS: At the time that Mr. Kang left, I  
15 was assistant general manager. So that's what I was.  
16 BY MR. GREY:  
17 Q You were assistant general manager?  
18 A Yes.  
19 Q Is that sales and marketing manager, and  
20 then there is assistant general manager and then  
21 general manager?  
22 A Yes.  
23 Q When did you become assistant general  
24 manager?  
25 A I believe it was in early '97.

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1 Mr. Kang to be more negative than your relationship  
2 with Mr. Park while you were working?  
3 A No. I would say about the same.  
4 Q When you were first hired by U. Lim  
5 America, were you the only person employed at U. Lim  
6 America who spoke English?  
7 MR. BATTENFELD: Do you mean spoke at all?  
8 MR. GREY: Fluently.  
9 THE WITNESS: Yes.  
10 BY MR. GREY:  
11 Q And you were the only American citizen at  
12 U. Lim at that time; correct?  
13 A Correct.  
14 Q Did U. Lim America utilize your credit to  
15 purchase any goods, items, cars, or anything else for  
16 U. Lim America?  
17 A Yes, it did.  
18 Q Was that at the request of Tae Jin Yoon?  
19 A It was a request and as a friend, and I  
20 accepted it.  
21 Q And what did you purchase for U. Lim on  
22 your credit?  
23 A An automobile.  
24 Q And how many automobiles?  
25 A I would say two.

35

1 Q Titles aren't always accurate, but I  
2 would assume by assistant general manager you were to  
3 help out taking over the duties of Tae Jin Yoon when  
4 he was no longer in the office, that sort of thing?  
5 A I would say that.  
6 Q How would you describe your relationship  
7 with Mr. Park?  
8 A An associate.  
9 Q By that you mean work associate?  
10 A Correct.  
11 Q Do you consider yourself friends?  
12 A Friends, no.  
13 Q Whereas you would say that you do have a  
14 friendship with Tae Jin Yoon; correct?  
15 A I guess you could say that.  
16 Q And how would you describe your  
17 relationship with Mr. Kang at the time of his  
18 employment?  
19 A Associate.  
20 Q Do you recall having any particular  
21 difficulties working with Mr. Park?  
22 A Oh, we had our differences of course.  
23 Q How about Mr. Kang?  
24 A Yes. Same with Mr. Kang.  
25 Q Do you consider the relationship with

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1 Q And were both those automobiles  
2 ultimately driven by Tae Jin Yoon?  
3 A One would be his personal -- well, like a  
4 work -- going back and forth to work.  
5 MR. BATTENFELD: You mean a company car?  
6 THE WITNESS: Company car. It was all company  
7 cars. I'm sorry. They were all company cars.  
8 BY MR. GREY:  
9 Q But were both these company cars  
10 basically used by Tae Jin Yoon for his commuting back  
11 and forth?  
12 A No. Yeah. One was for him, and one was  
13 for the company itself.  
14 Q I assume U. Lim America paid for the  
15 vehicle?  
16 A Yes. We leased, and we financed of  
17 course.  
18 Q And are you still -- are the vehicles  
19 still under your name?  
20 A Yes, it is.  
21 Q Was there anything else you purchased for  
22 U. Lim utilizing your credit?  
23 A No. Other than that, no.  
24 MR. BATTENFELD: I assume excluding ordinary  
25 business expenses.

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1 running, and he was required. I mean he was in charge  
2 of the warehouse and inventories and purchases. So  
3 even on overtime.

4 Q It's not your understanding, however,  
5 that he was refusing to work any Saturday or overtime,  
6 but just when he deemed he wasn't needed?

7 A No. Well, he specifically said that he's  
8 not going to work on Saturdays.

9 Q You don't recall him qualifying that in  
10 any way?

11 A No, I don't. I can't remember.  
12 Everything is very faint to me right now. Like I  
13 said, he had some kind of agreement with his family  
14 saying that he didn't want to work Saturdays. I don't  
15 know what kind of agreement that he had with his  
16 family. That's the thing that I remember he said.

17 Q Who received first his notice of  
18 application for unemployment, you or Tae Jin Yoon?

19 A I believe I did.

20 Q Did you then inform Tae Jin Yoon about  
21 the application?

22 A Yes, I did.

23 Q Had you received any instruction from Tae  
24 Jin Yoon prior to receiving the application regarding  
25 unemployment?

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1 witness or something, so I brought him along.

2 Q But you never brought him into the  
3 hearing?

4 A No, I did not.

5 Q Why did you choose not to bring him into  
6 the hearing?

7 A I think I went in and asked if a witness  
8 is required or something. I can't remember why I did  
9 not bring him inside to the unemployment. I can't  
10 remember.

11 Q Did you inform Tae Jin Yoon that you were  
12 going to the unemployment hearing?

13 A Yes, I did.

14 Q Did you inform Tae Jin Yoon after the  
15 unemployment hearing as to the results of it?

16 A There wasn't any results. I mean nothing  
17 was finalized at that time, so I just -- I explained  
18 what happened. Yes, I did.

19 Q Was he at the office at that time?

20 A I believe he was or on a business trip.  
21 I can't remember.

22 Q Do you know why Tae Jin Yoon didn't  
23 appear for this hearing?

24 A Well, I mean I guess as a general manager  
25 I took the responsibility.

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1 A No. We didn't even know if he was going  
2 to file unemployment. We didn't know.

3 Q So at that time you made him aware that  
4 Mr. Kang had filed for unemployment?

5 A Correct.

6 Q And was this a face-to-face meeting, or  
7 was it telephonic?

8 A I believe it was telephonic.

9 Q And what did Mr. Yoon say to you when you  
10 informed him of this fact?

11 A Well, I informed him -- I think I told  
12 him that he had filed unemployment, and Mr. Yoon said  
13 why did he file unemployment when he resigned the  
14 company. He understood that if you get laid off or if  
15 the company fires him, that he would file  
16 unemployment. So I guess he decided that -- and I  
17 decided that we are not going to give him  
18 unemployment.

19 Q Now, you attended the unemployment  
20 hearing; correct?

21 A Correct.

22 Q There was some confusion. Did you attend  
23 it and Mr. Park?

24 A Yes. Mr. Park attended, but he stayed in  
25 the car. I thought he might be needed for like a

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1 Q Did you ever testify at the hearing that  
2 Tae Jin Yoon had never actually told you what happened  
3 in the conversation with Mr. Kang?

4 A Yes. I did say that. Yes. That's  
5 correct.

6 Q Why hadn't Tae Jin Yoon to your knowledge  
7 told you what happened in that conversation?

8 MR. BATTENFELD: Objection. The question calls  
9 for speculation.

10 MR. GREY: If you know.

11 THE WITNESS: I don't remember. I mean I  
12 can't -- I can't remember if he did tell me or if he  
13 didn't tell me. But I just -- at that time when he --  
14 when we went to the unemployment, he had not explained  
15 anything to me at that time. But after the  
16 unemployment, we had discussed things about it, yes.

17 BY MR. GREY:

18 Q When you were going to the unemployment  
19 hearing, didn't you think it would be important to  
20 know about the contents of the conversation between  
21 Mr. Yoon and Mr. Kang?

22 A The only thing for me to say that it was  
23 important is what Mr. Kang said to me. If you don't  
24 want to work Saturdays, you could quit, and that's  
25 what he had expressed that out to me. So I didn't

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1 the claimant had been told he had to work the extended  
2 hours or that the claimant had been discharged by the  
3 president." Now, you read that sentence; correct?  
4 A I read it, yes.  
5 Q Is that statement correct?  
6 A That I -- yes. I guess it would be.  
7 MR. BATTENFELD: Again don't guess.  
8 THE WITNESS: Yes. Okay.  
9 BY MR. GREY:  
10 Q And then the final sentence here reads,  
11 "The witness admitted that the claimant told him that  
12 the president had fired him." Is that correct?  
13 A Yes. I told you guys that -- no, no.  
14 No. Fired him? No.  
15 Q That's why I'm reading this sentence.  
16 A This is incorrect. See, I told the judge  
17 what Mr. Kang had told me, all right, that if you  
18 don't want to work Saturdays, that you could quit.  
19 That's what Mr. Yoon told Mr. Kang, and I explained  
20 that to the judge, and the judge said that would mean  
21 you are fired. That's what he stated, and that's what  
22 he put it, that's what the judge -- yeah. I remember  
23 that question, yes.  
24 Q You indicated that when you started  
25 working for U. Lim, there were 13 production people,

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1 correct, and two managers?  
2 A Yes. That's correct.  
3 Q By the end of 1994, how many production  
4 people were there? Best estimate.  
5 A 50.  
6 Q And by the end of 1995?  
7 A 70 to 100.  
8 Q And by the end of '96?  
9 A 80 to 120.  
10 Q And '97?  
11 A 90 to 150.  
12 Q And '98?  
13 A 90 to 120.  
14 Q There was a reduction in '98?  
15 A Yes.  
16 Q I didn't ask you what were the sales  
17 figures for '98 -- by the end of '98 sales revenues.  
18 A I believe 6.2.  
19 Q So there was a drop from approximately 8  
20 million to 6.2?  
21 A Correct.  
22 Q And what was the cause of that drop?  
23 A We lost a client.  
24 Q When you started working -- we'll take  
25 '93 -- what were your approximate working hours during

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1 1993?  
2 MR. BATTENFELD: I'll object to the question as  
3 being ambiguous and overbroad.  
4 MR. GREY: I'll narrow it down.  
5 Q For Monday through Friday during 1993,  
6 what were your approximate regular working hours?  
7 MR. BATTENFELD: Same objection. Assumes facts  
8 that there were regular working hours.  
9 THE WITNESS: 7:30 to 5:30.  
10 BY MR. GREY:  
11 Q And did that change in 1994 at all?  
12 A In the time we changed our schedule,  
13 maybe 10 to 20 minutes or 5 to 10 minutes, but it  
14 changed a little, but I can't remember what year it  
15 was or what date or month.  
16 Q Did your length of day increase, or did  
17 it simply just shift?  
18 A The hours shifted a little.  
19 Q So approximately the same time give or  
20 take 15 minutes or so?  
21 A I would say, yeah. I would say that,  
22 yes.  
23 Q And did your hours increase at all from  
24 Monday through Friday in '95?  
25 A We are in management -- so I mean the

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1 Mexican employees leave at -- after the work is over  
2 at 5:30. The management stays alone to take care of  
3 document work or other duties that they need to take  
4 care of, and then they leave. So it could vary from  
5 5:30 to 7:00 or 6:30. I can't say what time I left in  
6 '95.  
7 Q Would that response apply equally to '94?  
8 A I would say that.  
9 Q And '93?  
10 A Yes.  
11 Q And would it apply equally to all the  
12 years of your employment?  
13 A I would say that, yes.  
14 We are just talking about the U.S.  
15 employees of U. Lim America and U. Lim Mexico?  
16 Q I'm talking about you specifically.  
17 A Yes.  
18 Q So I understand your testimony that the  
19 Mexican employees would generally be in the plant  
20 approximately from 7:30 to 5:30?  
21 A Correct.  
22 Q That you would be in the plant at the  
23 same time during that period, and then that you would  
24 have various other jobs or duties you perform after  
25 the plant closed?

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1 business.  
2 A Correct.  
3 Q As a result of that increase in business,  
4 did U. Lim have to increase employment for people in  
5 overtime capacity?  
6 A Well, there were some days we did  
7 overtime. Most of the material that come have been  
8 assembled from south Korea, so it doesn't take that  
9 many people to assemble these parts. So our revenues  
10 might have gone up, but like I said, assembling is  
11 already done in south Korea. We just assemble -- you  
12 know, it's a real -- very easy job. So we probably  
13 did hire a lot more people. No overtime was needed,  
14 but we occasionally did have overtime.  
15 Q As your sales revenues increased  
16 substantially from '94 to '95, did your job duties  
17 increase?  
18 A My job duties in sales and marketing,  
19 yes, it did.  
20 Q And again there was a jump in revenue  
21 from '95 to '96. Did that put an increased workload  
22 on you as well?  
23 A I would say, yes.  
24 Q And from '96 to '97 when you went from 6  
25 to 8 million?

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1 Q Did you have any salespeople working  
2 under you?  
3 A No.  
4 Q The first salesperson working under you  
5 would be in 1998?  
6 A Yes.  
7 Q And when is the first time that Mr. Park  
8 had anyone working directly under him in either the  
9 production or the quality control department?  
10 A I guess since he was there. I mean since  
11 he was there from '94, he had a supervisor under him  
12 all the time.  
13 Q You are referring now to a supervisor at  
14 U. Lim Mexico; correct?  
15 A Correct.  
16 Q A Mexican supervisor?  
17 A Correct.  
18 Q When is the first time he received  
19 anybody working directly under him in production or  
20 quality control who was employed by U. Lim America?  
21 A Production and quality control?  
22 Q Yeah.  
23 A Both?  
24 Q In either department.  
25 A I guess from 1994. Like I said, he had a

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1 A I'd say about the same.  
2 Q So is it fair to say from 1993 when you  
3 were first employed to approximately the end of '96,  
4 the amount of work required of you generally speaking  
5 increased?  
6 A Well, I would say my rank has gone up,  
7 so, yes, my responsibility has been changed a lot.  
8 But I mean other employees support my section, and I  
9 support other people's section. So everybody works  
10 together in that facility, other management.  
11 Q What employees did you have working  
12 directly under you in sales and marketing in '93?  
13 A I was by myself, but everybody helped me  
14 out.  
15 Q And did you ever get an employee who  
16 worked directly underneath you in just the sales and  
17 marketing department?  
18 A A year ago.  
19 Q That would be when?  
20 A '98.  
21 Q So 1998 was the first time you actually  
22 got a dedicated employee for sales and marketing?  
23 A I had secretaries who did invoicing and  
24 things like that, to give me a hand, yes. I had other  
25 Mexican employees, yes.

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1 supervisor under him since he came to the United  
2 States.  
3 Q We are talking about now that he is  
4 employed at U. Lim America.  
5 A Are you talking about U. Lim America or  
6 U. Lim Mexico?  
7 Q U. Lim America.  
8 A Okay. Everybody has their own  
9 departments. Okay? They have like maybe  
10 Mr. Cheong, Mr. Kang. Everybody might be under  
11 Mr. Park if Mr. Park is a manager. Everybody that is  
12 assistant manager is under Mr. Park. Okay? But each  
13 department has their own departments. Okay? So they  
14 are in charge of their departments. Okay? So I mean  
15 if something maybe traumatic happens, then they will  
16 put Mr. Park regarding -- about that, but they are in  
17 charge of their departments.  
18 Q But as I understand it, the two  
19 departments that Mr. Park was in charge of were  
20 production and quality control. Mr. Kang was in  
21 charge of purchasing and warehousing.  
22 A Correct. Correct.  
23 Q Was there ever a point in time when  
24 Mr. Park got someone directly working underneath him  
25 employed by U. Lim America in either the purchasing

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1 your objection that you don't think it's reasonably  
2 calculated, but there comes a point in time when you  
3 are asking me to offer to you my entire case and what  
4 I think is significant, and I don't have an obligation  
5 to do that.

6 I'm asking presently whether or not Tae  
7 Jin Yoon, who is a defendant in this action, who is  
8 the vice-president of the corporation at the time of  
9 Mr. Kang's employment, at the time of the alleged  
10 acts, is still presently in a position of power at U.  
11 Lim, and it may or may not have any influence on U.  
12 Lim's actions. I think I'm entitled to know that, and  
13 I'm entitled to inquire into it, and it's reasonably  
14 calculated to lead to discovery of admissible  
15 evidence.

16 So I would ask again whether or not Tae  
17 Jin Yoon is presently responsible for the day-to-day  
18 activities of U. Lim America.

19 MR. BATTENFELD: I reserve my right to object  
20 if you continue on this line, but I'll allow the  
21 witness to answer that question.

22 MR. GREY: Thank you.

23 THE WITNESS: Yes.

24 BY MR. GREY:

25 Q Was there ever a point in time when Tae

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1 accounts?

2 MR. BATTENFELD: Same objection, and I'll  
3 instruct the witness not to answer.

4 BY MR. GREY:

5 Q The green card that Mr. Park requested,  
6 did he request that first to you or to Mr. Yoon?

7 MR. BATTENFELD: I'll object that the question  
8 calls for speculation.

9 MR. GREY: If you know.

10 THE WITNESS: I don't remember who it was. I  
11 do remember Mr. Yoon giving me the records, so --

12 BY MR. GREY:

13 Q You are talking about Ki Hwa Yoon?

14 A Yeah.

15 Q Do you know whether or not he ever  
16 requested the green card from Tae Jin Yoon?

17 A I have no idea.

18 Q Do you know whether or not Tae Jin Yoon  
19 had ever mentioned to you if U. Lim should try to  
20 obtain a green card for Mr. Park?

21 A Mr. Yoon -- Tae Jin Yoon had told me  
22 that, yeah, he was considering getting Mr. Park a  
23 green card.

24 Q When did Mr. Yoon tell you that?

25 A I can't remember, but it's been quite a

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1 Jin Yoon was relieved of any of his responsibilities  
2 for U. Lim America?

3 A No, no.

4 Q Was there ever a point in time when he  
5 lost that check-writing ability?

6 MR. BATTENFELD: I'll object to the question  
7 for the same reasons I objected before, and I give the  
8 witness the same instruction not to answer it.

9 BY MR. GREY:

10 Q Was Mr. Yoon ever accused by anyone in  
11 the company of having embezzled corporate funds?

12 MR. BATTENFELD: I'll object to the question as  
13 not being relevant to any issue in Mr. Kang's action,  
14 as invading Mr. Yoon's privacy, and I will instruct  
15 the witness not to answer the question.

16 BY MR. GREY:

17 Q Has Mr. Yoon received any kickback from  
18 any of the clients of U. Lim America?

19 MR. BATTENFELD: Same objection -- same  
20 objection, and I'll instruct the witness not to  
21 answer.

22 BY MR. GREY:

23 Q Has he ever received any moneys from any  
24 of the clients of U. Lim America which were not  
25 properly submitted to or deposited into U. Lim

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1 while ago.

2 Q You don't have any idea as to the year?

3 A No, I don't.

4 Q When did you first become aware of  
5 Mr. Kang's litigation against U. Lim?

6 A I guess sometime in '98.

7 Q What time of year in '98?

8 A I can't place it if it's in the middle or  
9 the end of it. I can't remember.

10 Q Was your first knowledge of the complaint  
11 being filed against U. Lim when it was served on U.  
12 Lim?

13 A Excuse me. I didn't --

14 Q Is the first knowledge you have of  
15 Mr. Kang instituting legal action against U. Lim when  
16 the complaint was served on U. Lim?

17 A Yes.

18 Q And who informed you of that litigation?

19 A I think I received a certified mail.

20 Q Do you know from who?

21 A Maybe you. I can't remember. I can't  
22 remember who it was, but it was a certified mail.

23 Q Is it possible you received it from your  
24 agent of service of process?

25 A No. We first received it at 605

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1 command?

2 MR. BATTENFELD: I object that the question is  
3 argumentative, that the witness already answered it.4 THE WITNESS: Well, we have a -- well, Mr. Yoon  
5 treats everybody -- all the employees -- Mr. Ki Hwa  
6 Yoon treats all of his employees like his sons and  
7 daughters of the company, and with that respect I had  
8 explained to Mr. Yoon what the situation is. I did  
9 not jump over Mr. Tae Jin Yoon because Mr. Yoon -- Ki  
10 Hwa Yoon asks me of any problems or anything that's  
11 happening in the company. He asks me. Then I  
12 responded with that question.

13 BY MR. GREY:

14 Q These allegations were very personal to  
15 Tae Jin Yoon; correct?16 A Well, it was personal, but it was a  
17 company matter.18 Q You didn't feel it was Tae Jin Yoon's  
19 responsibility to inform Ki Hwa Yoon?20 A Why? I mean -- well, okay. Like I said,  
21 Mr. Ki Hwa Yoon asked me if there was any problem with  
22 the company, and I explained to him what the situation  
23 is after I received the letter.24 Q Do you recall the content of that  
25 conversation?

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1 Q How long did that meeting last?

2 A 10, 15 minutes maybe.

3 Q Now, you said Ki Hwa Yoon didn't give you  
4 any instruction in this initial telephone meeting, but  
5 that apparently he did at some later point.

6 A I'm pretty sure he did.

7 Q When was that that he gave you the  
8 instruction?9 A I can't remember date or the year when  
10 he -- I guess it was in '98 when he came here.11 MR. BATTENFELD: Just for the record, the  
12 complaint wasn't filed until February of '99.

13 THE WITNESS: Okay.

14 BY MR. GREY:

15 Q How soon after you received the complaint  
16 do you recall Ki Hwa Yoon coming out?17 A Two months later or a month later. It's  
18 an estimate. A month or two months. I can't --19 Q Now, at some point in time somebody  
20 contacted Mr. Battenfeld's office?

21 A Correct.

22 Q Were you the one who did that?

23 A No, no.

24 Q Who was responsible for getting the  
25 complaint to an attorney?

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1 A To Mr. Ki Hwa Yoon?

2 Q Yes.

3 MR. BATTENFELD: Other than what he's testified  
4 to?5 MR. GREY: Well, I don't recall much testimony  
6 with respect to the conversation with Ki Hwa Yoon.7 THE WITNESS: You are right. That's it. I  
8 don't remember other than what I said.

9 BY MR. GREY:

10 Q Did he instruct you to take any course of  
11 action?

12 A Course of action, not at that time.

13 Q When did he first give you any  
14 instruction relative to the litigation?

15 A Maybe when he came to the United States.

16 Q And did he come out specifically because  
17 of this?18 A No. He has business meetings with  
19 Samsung. I mean other clients. So it was things that  
20 he does every year.21 Q In your meeting with Tae Jin Yoon, did he  
22 comment about the allegations with respect to him  
23 striking Mr. Kang?24 A Like I said before, I think I said that I  
25 can't recall about the striking or anything.

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1 A It was both of ours, You Sik Youn and I  
2 was.3 Q At this point in time, what was You Sik  
4 Youn's role in the company?

5 A Accountant, I think.

6 Q You indicated that Tae Jin Yoon was  
7 vice-president at the time. Why wasn't it his  
8 responsibility for making sure that U. Lim America had  
9 hired attorneys to handle the complaint?10 A Well, I was the corporate secretary, and  
11 I had the responsibility, and I took the  
12 responsibility.

13 Q Did he ever instruct you to do that?

14 A Yes.

15 Q Tae Jin Yoon did that?

16 A Yes, he did.

17 Q Now, Ki Hwa Yoon came out approximately  
18 one to two months later, and you had a meeting with  
19 him?

20 A Correct.

21 Q One or several meetings?

22 A Well, see, when Mr. Yoon comes to the  
23 States, I'm the one who takes him around or take him  
24 to the company. I do most of my time with Mr. Ki Hwa  
25 Yoon. So meetings could happen every day in the

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1 during the course of his employment?  
 2 A No.  
 3 Q "No," or you don't recall?  
 4 A "No." I did not see.  
 5 Q Was there ever an occasion when you saw  
 6 Mr. Park bleeding as a result of being struck with any  
 7 object thrown by Mr. Yoon?  
 8 A No. I did not see anything.  
 9 Q Have you ever seen an occasion when  
 10 Mr. Park was grabbed by the ear by Mr. Yoon during the  
 11 course of his employment?  
 12 A I did not see anything.  
 13 Q It is true, is it not, that Mr. Yoon  
 14 could get very upset in those daily meetings?  
 15 Correct?  
 16 A He has temper like I have temper, too,  
 17 yes.  
 18 Q Nobody is accusing you of striking  
 19 anybody.  
 20 And is it not true that he would  
 21 frequently yell at Mr. Park and Mr. Kang and  
 22 occasionally you in these meetings?  
 23 A No. He yells at everybody. He has a  
 24 temper. He yells at everybody even the Mexican  
 25 employees, too.

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1 time. So sometimes when there's an order that I need  
 2 to deliver, sometimes I get excused because I need to  
 3 deliver the material sometimes, yes.  
 4 Q Would you agree with the statement that  
 5 between the three of you, Mr. Park, Mr. Kang, and  
 6 yourself, that you were probably treated the best by  
 7 Mr. Yoon?  
 8 A Well, as the responsibility that I have  
 9 and the marketing and the sales that I have that I  
 10 achieve -- most of the sales it was done by me making  
 11 a couple million dollars a year extra because of me.  
 12 Maybe I could be in favor, yes.  
 13 Q You were, in fact, yelled at  
 14 substantially less than, by Mr. Yoon, Mr. Park or  
 15 Mr. Kang?  
 16 A I can't say that. He yelled at everybody  
 17 equal amount. When he gets upset, he gets upset.  
 18 Q And this showing would occur usually on a  
 19 daily basis?  
 20 A Well, when there is something wrong, when  
 21 there's problems that happen, if we didn't achieve  
 22 some goals or something happens, yes. He would get  
 23 angry.  
 24 Q Was there generally some problem or  
 25 another every day at U. Lim?

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1 Q And during these meetings, isn't it true  
 2 that you have seen him occasionally throw reports or  
 3 notebooks at Mr. Park or Mr. Kang?  
 4 A Well, I think I've seen one or two  
 5 occasions that he did throw documents on the floor,  
 6 but not directly at people.  
 7 Q And in these daily meetings, you never  
 8 saw him strike Mr. Park with a ruler at any time?  
 9 A No, I did not.  
 10 Q Did you ever see him strike Mr. Kang with  
 11 a ruler at any time?  
 12 A No, I did not.  
 13 Q Did you ever see him kick either Mr. Park  
 14 or Mr. Kang at any time during their employment?  
 15 A No, I did not.  
 16 Q Did you ever see him grab Mr. Kang by the  
 17 ear at any time during Mr. Kang's employment?  
 18 A No, I did not.  
 19 Q How long would these daily meetings last?  
 20 A 30 to an hour. 30 minutes to an hour.  
 21 Sometimes it could go a little longer.  
 22 Q Were you frequently dismissed before  
 23 Mr. Park or Mr. Kang from these meetings?  
 24 A No. Like I said, I'm in sales and  
 25 marketing, and I'll be out in the field most of the

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1 A No, not every day.  
 2 MR. BATTENFELD: Let's hope not.  
 3 MR. GREY: Depends how you define problems.  
 4 THE WITNESS: No.  
 5 BY MR. GREY:  
 6 Q Did you ever have a meeting with Ki Hwa  
 7 Yoon and Tae Jin Yoon together regarding this  
 8 litigation?  
 9 A I think we did, but I can't remember when  
 10 it was.  
 11 Q Did you ever have a meeting at Ki Hwa  
 12 Yoon's house that in any way reflected the event of  
 13 the litigation?  
 14 A It happens everywhere because this thing  
 15 was going on for, what, a year or over a year. I  
 16 can't remember, but it's daily -- daily basis that we  
 17 talk about it, just some things like that. So I  
 18 can't -- I could say that it took -- it did take place  
 19 at his house or in the car, everywhere.  
 20 Q Do you recall Tae Jin Yoon ever telling  
 21 you specifically that he had not struck Mr. Kang?  
 22 A I can't remember that. I don't think he  
 23 did.  
 24 Q Were you the one who instructed Mr. Park  
 25 to go to Mr. Battenfeld's office with Tae Jin Yoon?

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01/06/00

1 anything why he left at that point. He came back two  
2 days later, and I was just trying to find out -- I  
3 asked him this is not -- I told him this is not your  
4 company. You don't leave when you want to and come  
5 back when you want to. That's where the argument  
6 started.

7 So I had the responsibility of, you know,  
8 taking care of all the matters in the company. I was  
9 trying to find out what he was doing. So at that time  
10 we argued and had verbal comments going back and  
11 forth. And after that I guess maybe he got a little,  
12 you know, angry and took a battery and threw it at me.

13 Q You were concerned about how he left the  
14 company unannounced?

15 A Well, he had explained to us that he was  
16 going to resign, but he told us, I think, at that  
17 time -- okay. I remember.

18 MR. BATTENFELD: Take your time.

19 THE WITNESS: I remember what he said. He said  
20 he was going to finish out the month at the time when  
21 he talked to Mr. Yoon, and everything after that he  
22 told me that -- he told us that he was going to finish  
23 out the month, then resign. Something like that.  
24 Then he leaves and doesn't come back for two days.  
25 That's why I asked him what are you doing. This is

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1 requires us -- for us to be there on Saturdays, yes.  
2 I will be there. But like I said, you have your  
3 responsibilities. You need to take your  
4 responsibilities.

5 Q And you would, therefore, believe that if  
6 you didn't show up on Saturday or didn't show up for  
7 the overtime, you would not be fulfilling your  
8 responsibilities?

9 A For me, yes. I would say that for  
10 myself.

11 Q And, therefore, it's a condition of the  
12 employment?

13 A Condition -- I can't say condition. I  
14 think it's my -- the way of my thinking, I guess,  
15 because I have a family. I need to support my family.  
16 I have a good job that pays me well. For me to make,  
17 you know, the salary that I'm making, you know, I  
18 can't complain. I have a responsibility.

19 Q What did you think would be the result of  
20 Mr. Kang indicating that he wasn't going to work  
21 Saturdays anymore unless he was needed or period?

22 A I think I can't answer that because all  
23 management is different. People take -- the upper  
24 levels think differently than employees that is under  
25 them, so I can't answer that question.

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1 not your company. You don't have the right to leave  
2 when you want to leave and come back when you want to  
3 come back. So I thought at that time he was still  
4 working for the company.

5 BY MR. GREY:

6 Q I take it at some point in this  
7 conversation he told you he was not working for U.  
8 Lim?

9 A After two days that he came back, yes.

10 Q And so this is basically news to you at  
11 that time?

12 A Correct. Well, like I said, he was going  
13 to resign after the month -- after February, yes.

14 Q Now, you indicated that Mr. Kang had  
15 explained in some fashion that he wasn't going to work  
16 overtime or Saturdays anymore because of a family  
17 agreement.

18 A Correct.

19 Q And it's your understanding that working  
20 that overtime or those Saturdays is a requirement of  
21 the employment; is that correct?

22 A Requirement of the employment? I guess  
23 it's our duty. We have our responsibilities what we  
24 need to do at the company. If it requires for us to  
25 be there for overtime, yes. I will be there. If it

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1 Q Did you ever feel that there were  
2 occasions where the managers were being forced to work  
3 Saturdays and overtime when they weren't really needed  
4 to be present?

5 A Like I said before, no one forces. It's  
6 our responsibility. I have the responsibility to do.  
7 If I was required there, I go there. I work. I don't  
8 know what to tell you.

9 Q If there were times when you were needed  
10 and you didn't show up, would you believe that the  
11 result --

12 A There is a lot of times that I didn't  
13 show up at work on Saturdays, and I wasn't needed.  
14 But most of the time -- like I said, I am in sales and  
15 marketing. I entertain a lot of people -- customers,  
16 golf engagement, dinner engagement. So sometimes I'm  
17 there. Sometimes I'm not.

18 Q You indicated that at some point in this  
19 conversation when he comes back, he is no longer  
20 working for U. Lim; correct?

21 A Correct.

22 Q How did the conversation continue after  
23 that?

24 A We were both upset. I can't remember  
25 what we exactly said. The only thing that I remember

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JAE HO CHO  
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<p>1 BY MR. GREY:</p> <p>2 Q You don't know?</p> <p>3 A No.</p> <p>4 Q How about in '94?</p> <p>5 A Except the ten Saturdays, no, I can't.</p> <p>6 Q Okay. And in 1995?</p> <p>7 A In 1995?</p> <p>8 Q We'll assume each and every year there is</p> <p>9 at least ten, so we are talking about the ten plus. I</p> <p>10 want to know what the plus is.</p> <p>11 A 1995 you say?</p> <p>12 Q Right.</p> <p>13 A Two to three extra Saturdays.</p> <p>14 Q And 1996?</p> <p>15 A 1996, three to four Saturdays.</p> <p>16 Q And 1997?</p> <p>17 A Maybe four.</p> <p>18 Q '98?</p> <p>19 A About the same.</p> <p>20 Q Four?</p> <p>21 A Yes.</p> <p>22 Q Just so we are understanding each other,</p> <p>23 in 1998 it's your best estimate that you worked</p> <p>24 approximately 14 Saturdays during that year?</p> <p>25 A I would say that.</p> <p style="text-align: center;">97</p>	<p>1 A 1994 -- well, I need to change my</p> <p>2 statement, then. Yes. I worked -- I mean, well,</p> <p>3 entertain people on Saturdays maybe I think I</p> <p>4 mentioned one or two in '94.</p> <p>5 Is that right?</p> <p>6 Q In '94 you said you did not as I recall,</p> <p>7 and then you said in '95 approximately two or three</p> <p>8 beyond the ten. So in '94 would that be approximately</p> <p>9 one or two Saturdays?</p> <p>10 A Yeah. I would say that, yes.</p> <p>11 Q Extra for entertainment?</p> <p>12 A Yeah.</p> <p>13 Q And how many additional entertainment</p> <p>14 Saturdays did you work on in '95?</p> <p>15 A I love golfing, so I don't know.</p> <p>16 MR. BATTENFELD: So it's hard to call it work.</p> <p>17 THE WITNESS: Yeah.</p> <p>18 MR. GREY: Sometimes people have it better than</p> <p>19 others.</p> <p>20 THE WITNESS: So three to four times more I</p> <p>21 guess.</p> <p>22 BY MR. GREY:</p> <p>23 Q And in '96?</p> <p>24 A Don't guess.</p> <p>25 MR. BATTENFELD: Yeah. Don't guess.</p> <p style="text-align: center;">99</p>
<p>1 Q And we are going to do the same thing for</p> <p>2 Sundays cause it was so much fun the first time.</p> <p>3 1993?</p> <p>4 A Sundays I think none.</p> <p>5 Q Now, you did mention that many of your</p> <p>6 duties also refer to entertaining customers or</p> <p>7 potential customers.</p> <p>8 A Correct.</p> <p>9 Q And I assume that that entertainment can</p> <p>10 occur on weekends as well?</p> <p>11 A That's true.</p> <p>12 Q And to the extent that I'm asking you</p> <p>13 whether or not you worked a Saturday, even if it was</p> <p>14 playing golf, but it was a business golf outing that</p> <p>15 you felt obligated to attend, that would count. Okay?</p> <p>16 A Yes.</p> <p>17 MR. BATTENFELD: Do you need to change your</p> <p>18 answer in light of that understanding?</p> <p>19 THE WITNESS: In '93 there wasn't any because</p> <p>20 it was starting for me. I didn't know too much about</p> <p>21 that. So in '93 there wasn't hardly any</p> <p>22 entertainments that I did with the customers.</p> <p>23 BY MR. GREY:</p> <p>24 Q Would that entertainment work for</p> <p>25 Saturday add any Saturdays to your response to 1994?</p> <p style="text-align: center;">98</p>	<p>1 THE WITNESS: Yeah. Three times more.</p> <p>2 BY MR. GREY:</p> <p>3 Q And '97?</p> <p>4 A Three times more.</p> <p>5 Q And '98?</p> <p>6 A Four times.</p> <p>7 Q And why don't we divide Sundays the same</p> <p>8 way, then, and I will ask you how many Sundays</p> <p>9 excluding entertainment days did you work in 1993.</p> <p>10 A None.</p> <p>11 Q And how many Sundays excluding</p> <p>12 entertainment days did you work in 1994?</p> <p>13 A Maybe once.</p> <p>14 Q And in '95?</p> <p>15 A Two.</p> <p>16 Q '96?</p> <p>17 A Two.</p> <p>18 Q '97?</p> <p>19 A Maybe -- three to four maybe.</p> <p>20 Q And '98?</p> <p>21 A Two.</p> <p>22 Q And then going back now to '93, how many</p> <p>23 entertainment Sundays?</p> <p>24 MR. BATTENFELD: Just to back up, can we assume</p> <p>25 you are giving estimates?</p> <p style="text-align: center;">100</p>



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U. LIM AMERICA

JAE HO CHO  
01/06/00

1 Q And the inspection reports -- who  
2 maintains those reports currently?  
3 A Currently the QC department.  
4 Q And who is the person in charge at the QC  
5 department for maintaining those reports?  
6 A I guess Mr. Park had mentioned Efe.  
7 MR. BATTENFELD: Don't repeat what Mr. Park  
8 said. If you have personal knowledge, that's fine.  
9 But he's not looking for you to repeat Mr. Park's  
10 testimony. Do you personally know?  
11 THE WITNESS: No, I don't. Sorry.  
12 BY MR. GREY:  
13 Q It's just your understanding it is the QC  
14 department?  
15 A Yeah.  
16 Q Have you ever been instructed by anyone  
17 to obtain those records in regard to this litigation  
18 other than your attorney?  
19 A No.  
20 Q Have you reviewed any of the daily  
21 production reports or inspection reports in connection  
22 with this litigation?  
23 A No, I have not.  
24 Q Do you know if anybody else has reviewed  
25 them in connection with this litigation?

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1 MR. BATTENFELD: You mean where the managers  
2 were based?  
3 MR. GREY: Let's start this all over again.  
4 Q Where is the general office of the  
5 facility?  
6 A In Mexico.  
7 Q In Mexico?  
8 A Yes.  
9 Q And that's where the managers operate out  
10 of; correct?  
11 A Correct.  
12 Q And as I understand it, there was one  
13 large area with several desks in it?  
14 A Correct.  
15 Q And did Mr. Carillo have a desk in that  
16 office?  
17 A Yes, he did.  
18 Q So you would frequently see him?  
19 A Yes. That's correct.  
20 Q And he worked directly under Mr. Park;  
21 correct?  
22 A Excuse me?  
23 Q He worked directly under Mr. Park?  
24 A Yes.  
25 Q Have you or anyone at U. Lim spoken to

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1 A I don't know.  
2 Q Do you know Raul Carillo?  
3 A Yes, I do.  
4 Q What was his position at U. Lim?  
5 A I believe he was supervisor of  
6 production.  
7 Q For the Mexican plant; correct?  
8 A Correct.  
9 Q Do you know how long he worked for U.  
10 Lim?  
11 A Approximately a year I guess. No  
12 guessing.  
13 MR. BATTENFELD: Don't guess.  
14 BY MR. GREY:  
15 Q Did you know him well?  
16 A Yes. I mean not well. We were working  
17 associates.  
18 Q But he was a frequent visitor in the  
19 actual U. Lim offices; correct?  
20 A What do you mean by "visitor"?  
21 Q Well, strike that.  
22 He actually had a desk in the U. Lim  
23 America offices; correct?  
24 A America?  
25 Q A desk in that facility.

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1 Mr. Carillo to your knowledge since he left  
2 employment?  
3 A Yes. I have.  
4 Q When did you speak to Mr. Carillo?  
5 A Two -- no. Wait. Maybe a month to a  
6 month and a half ago.  
7 Q Is this before or after his deposition  
8 was scheduled?  
9 MR. BATTENFELD: I'll object to the question as  
10 being compound and also assuming it was one or the  
11 other.  
12 BY MR. GREY:  
13 Q Well, did you speak to him before the  
14 deposition?  
15 A Yes.  
16 Q And what caused you to speak to him  
17 before the deposition?  
18 A I think I got a call from him. He was  
19 telling me about the case.  
20 Q Why would he call you to tell you about  
21 the case?  
22 A He called me to -- I guess he was  
23 concerned. I don't know. Cause Raul and I didn't  
24 have any bad relations when we were working together.  
25 Maybe he was concerned, and he called me up and told

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1 Q Did he tell you that he had signed a  
2 declaration?  
3 A No, he did not.  
4 Q Did he talk to you about any specific  
5 allegation, about whether or not Tae Jin Yoon had  
6 struck Mr. Kang at any time?  
7 A No.  
8 Q Did you ask him whether or not he had  
9 seen any of that?  
10 A No, I did not.  
11 Q You weren't curious if he testified that  
12 he had seen such action?  
13 A No. Cause I don't think that was  
14 mentioned, no. I don't know what the -- what his  
15 deposition was about, you know.  
16 Q So is it your testimony, then, the only  
17 thing that you can recall from that conversation is he  
18 talked to you about the fact that Mr. Kang supposedly  
19 was offering him money and/or a job to testify?  
20 A Well, he said he was going to take care  
21 of it after the trial was over. Something like that.  
22 Q And no other specifics about what he was  
23 going to testify to?  
24 A Something about why he quit the company.  
25 Things like that, yes.

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1 THE WITNESS: Oh, yes. I talked to him after  
2 the deposition.  
3 BY MR. GREY:  
4 Q You did talk to him after the deposition?  
5 A Yes.  
6 Q When was that?  
7 A Maybe two days after that. Something  
8 like that.  
9 Q And did you talk to him at work? Did you  
10 talk to him at his house?  
11 A I called him.  
12 Q You called him where?  
13 A At his work.  
14 Q And you were able to get ahold of him;  
15 correct?  
16 A At first it was very hard to get ahold of  
17 him. I think I left a message, and he called me back.  
18 Q And in this conversation did he indicate  
19 why he had not shown up to the deposition?  
20 A He had indicated to me that he doesn't  
21 want to be involved, and he likes his job. I don't  
22 know why he would tell me that he likes his job. He  
23 doesn't want to be involved. He doesn't like to get  
24 in problems with his manager. Things like that. He  
25 said that to me.

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1 Q Did you ever ask Mr. Carillo not to  
2 testify?  
3 A Not to testify?  
4 Q Not to testify.  
5 A I think I said as a friend -- I would  
6 like as a friend -- as a friend if you are not  
7 involved, I would appreciate it, or something like  
8 that I said.  
9 Q If you would not testify?  
10 A I did not say "testify." I said if you  
11 are not involved.  
12 Q So as a friend you would appreciate it if  
13 he would not be involved?  
14 A Yeah.  
15 Q And did he agree not to be involved as a  
16 result?  
17 A No. He didn't tell me that.  
18 Q Did you ever talk to him again after this  
19 meeting?  
20 A I think it was after -- no.  
21 Q You are sure?  
22 A Yeah.  
23 MR. BATTENFELD: You are asking after the  
24 deposition?  
25 MR. GREY: After the deposition.

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1 Q And why did you call him?  
2 A Why did I call him? I was curious. I'm  
3 pretty sure you guys were curious why he didn't show  
4 up. I was curious why he didn't show up either.  
5 Q Well, you asked him not to be involved.  
6 A Excuse me?  
7 Q You had asked him as a friend not to be  
8 involved.  
9 A I did say that, yes.  
10 Q Did you take any notes of this meeting?  
11 A Did I take any notes of this meeting?  
12 Q The meeting before the deposition.  
13 A No, I did not.  
14 Q Did you call Mr. Raul after the  
15 deposition to thank him for not appearing at the  
16 deposition?  
17 A I guess you could say that.  
18 MR. BATTENFELD: No. Only adopt that if that's  
19 what you said. If you didn't say that, then that's  
20 not your testimony.  
21 BY MR. GREY:  
22 Q Did you or didn't you, Mr. Cho, call him  
23 to say thank you for not appearing?  
24 A Yes, I did.  
25 MR. GREY: Well, John has been dying to see

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1 BY MR. GREY:  
2 Q You now had an opportunity to review this  
3 declaration, correct, Mr. Cho?  
4 A Yes.  
5 Q Okay. And you've had an opportunity to  
6 review it with your attorney; correct?  
7 A Correct.  
8 Q And you had testified that Mr. Carillo  
9 either in this telephone conversation with you for the  
10 first time or in this first meeting with you indicated  
11 that he was going to be testifying for Mr. Kang;  
12 correct?  
13 A Correct.  
14 Q Did you ask him at either in that first  
15 phone conversation or in your meeting what  
16 specifically he would be testifying about for  
17 Mr. Kang?  
18 A I think I did ask him this.  
19 Q And did he tell you?  
20 A Something about his termination and about  
21 Mr. Yoon.  
22 Q Did he tell you that he had observed  
23 Mr. Yoon --  
24 A Oh, let me clarify something. Mr. Park  
25 was at the meeting with me at the restaurant. I

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1 forgot about that.  
2 Q And did Mr. Carillo tell you that he had  
3 observed Mr. Yoon on different occasions throw objects  
4 at Mr. Park?  
5 A Well, he wasn't really clear if it was  
6 Mr. Park or Mr. Kang, so I mean he was very vague  
7 about who did what, you know. He wasn't clear about  
8 that to me.  
9 Q But you do recall him talking about the  
10 fact that he had seen Mr. Yoon throw something either  
11 at Mr. Park or Mr. Kang?  
12 A Throwing -- we didn't discuss anything  
13 about throwing.  
14 Q How about hitting?  
15 A No hitting.  
16 Q What specifically do you recall him  
17 testifying about -- strike that.  
18 What specifically do you recall him  
19 telling you about the things that he had observed  
20 Mr. Yoon do to either Mr. Park or Mr. Kang?  
21 A Mr. Kang and Mr. Park -- no. We didn't  
22 discuss anything about that. We discussed about his  
23 termination and why he quit. Well, I thought he quit.  
24 I thought he quit, but he was saying he was  
25 terminated. I think he did tell me that he quit and

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1 was telling me why he quit, things like that.  
2 Q And you said you asked him what he was  
3 going to be testifying about for Mr. Kang; correct?  
4 A Yes, I did.  
5 Q And what did he tell you he would be  
6 testifying about?  
7 A Like I just told you, why he got fired or  
8 why he quit and what Mr. Yoon asked him to do about --  
9 something about washing cars or something like that.  
10 Q But that's not Mr. Kang's case; correct?  
11 That has to do with Mr. Carillo's own termination?  
12 A Yes, it was.  
13 Q What specifically did he say he was going  
14 to be testifying about relative to Mr. Kang?  
15 MR. BATTENFELD: So the record is clear, that  
16 allegation is contained in Mr. Carillo's declaration  
17 that is now marked as an exhibit.  
18 THE WITNESS: I don't think we discussed  
19 anything about the declaration. We mainly talked  
20 about just termination and why he was terminated or  
21 why he quit or what Mr. Yoon was asking him to do,  
22 things like that. I didn't go into details of what  
23 declaration that he has filed cause he had told me  
24 that he never filed a declaration. So that's why I  
25 guess I did not go into the declaration, but I know

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1 that he was supposed to testify, but I didn't know  
2 exactly what he was testifying.  
3 So I did ask him that, but he had  
4 mentioned why he was terminated, what Mr. Yoon had him  
5 do, things like that. Nothing about throwing things  
6 or hitting or anything like that.  
7 BY MR. GREY:  
8 Q Let me go into paragraph 5. In this  
9 declaration Mr. Carillo states, "I observed on  
10 numerous occasions Mr. Park being hit by Mr. Yoon with  
11 the edge of a ruler." Did he ever mention that to you  
12 in that meeting?  
13 A No, he did not.  
14 Q Did he ever mention to you at any time  
15 that he was planning to testify to that fact?  
16 A No, he did not.  
17 Q Okay. Did you ever observe Mr. Park  
18 being hit by Mr. Yoon with the edge of a ruler?  
19 A No, I did not.  
20 MR. BATTENFELD: Objection, asked and answered.  
21 BY MR. GREY:  
22 Q He also testified in his declaration, I  
23 also observed Mr. Yoon strike Mr. Kang and Mr. Ko in a  
24 similar fashion, that being with a ruler. Why don't  
25 you read -- the declaration says, "I also observed

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1 A Working hours, no. I did not.  
2 Q Did you ever discuss the lunches at U.  
3 Lim with Mr. Carillo?  
4 A No, I did not.  
5 Q Would you say that it's true that Tae Jin  
6 Yoon would typically yell more at Korean employees  
7 than at Mexican employees?  
8 A I'd say it's equal.  
9 Q What did Mr. Park ask Mr. Carillo at this  
10 meeting?  
11 A He didn't say much because he doesn't  
12 speak English that well, so I did most of the talking.  
13 Q Why did Mr. Park go down with you to  
14 Mexico?  
15 A Well, he is in Mexico. We work there.  
16 And why did we go to the dinner?  
17 Q Why did you go to this meeting together  
18 with Mr. Park?  
19 A Mr. Park wanted to attend because like I  
20 said, we are all friends -- not friends, but  
21 associates. We work together. So Mr. Park wanted to  
22 see Raul, so he tagged along.  
23 Q Had Mr. Park to your knowledge spoken to  
24 Raul before this?  
25 A No.

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1 Q Did you ask him not to be involved in  
2 this litigation?  
3 A Excuse me?  
4 Q Did you ask him not to be involved in  
5 this litigation?  
6 A Ask who?  
7 Q Mr. Ko.  
8 A No.  
9 Q And Mr. Ko is in Korea; correct?  
10 A Correct.  
11 Q And when did you meet with Mr. Cheong?  
12 A I can't remember the exact date or time.  
13 Maybe a month or two months. Two months ago. Maybe  
14 two or three months ago.  
15 Q Who initiated that meeting?  
16 A Me and Mr. Kim.  
17 Q Why did you initiate that meeting?  
18 A Mr. Kim wanted to know what the situation  
19 was of Mr. Cheong.  
20 Q Were you concerned that Mr. Cheong was  
21 going to be suing you, or had he already sued you?  
22 I'm referring now to U. Lim.  
23 A Like I said, it wasn't me that was  
24 interested. Mr. Kim was the one that was interested  
25 to see him.

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1 Q How long did this meeting last?  
2 A Maybe a total of an hour. We ate and  
3 talked.  
4 Q Hadn't you been informed by anyone that  
5 there was a declaration of Mr. Carillo?  
6 A No. I don't think so.  
7 Q Did you ever promise Mr. Carillo anything  
8 for not showing up at his deposition?  
9 A No, I did not.  
10 Q Did you pay Mr. Carillo -- or did U. Lim  
11 pay Mr. Carillo any amount of money?  
12 A No, we did not.  
13 Q Did you or U. Lim give him any kind of  
14 compensation of any type in the form of a car for  
15 instance?  
16 A No.  
17 Q Did you promise him any benefits with  
18 respect to his employment?  
19 A No.  
20 Q Did he ask for any of these things?  
21 A No, he did not.  
22 Q What other former employees of U. Lim  
23 have you met with relative to this litigation?  
24 A Mr. Bo Won Cheong, and I had a phone  
25 conversation with Suhko Ko.

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1 Q What did Mr. Kim tell you were his  
2 reasons?  
3 A He was wondering why Mr. Cheong was going  
4 to sue us, I think. Something like that.  
5 Q And when did you have this -- you said  
6 you had this meeting about two months ago?  
7 A Yeah. I can't remember exactly when it  
8 was.  
9 Q Did you discuss whether or not Mr. Cheong  
10 would be testifying for Mr. Kang?  
11 A Excuse me?  
12 Q Did you discuss whether or not Mr. Cheong  
13 would be testifying for Mr. Kang?  
14 A No. That wasn't discussed.  
15 Q Did you discuss in any way what did  
16 Mr. Cheong observe with respect to Tae Jin Yoon's  
17 conduct against Mr. Kang and Mr. Park?  
18 A I wasn't involved in the talking. I was  
19 mostly kind of away from the talking. Mr. Kim did all  
20 the initiating.  
21 Q But you were still present; correct?  
22 A Yes.  
23 Q Did you overhear any conversations with  
24 respect to whether or not Mr. Cheong would be  
25 testifying for Mr. Kang?

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1 Mr. Tae Jin Yoon that his deposition had been noticed?  
2 A Yes.  
3 Q When was that?  
4 A About a month ago.  
5 Q And where was Tae Jin Yoon when you  
6 informed him of this?  
7 A I believe he was in Korea.  
8 Q And did you discuss his availability for  
9 his deposition?  
10 A Yes, I did.  
11 Q And what did he say?  
12 A He'll be coming on January the 12th.  
13 Q And have you discussed the deposition  
14 notice with Ki Hwa Yoon -- with Mr. Ki Hwa Yoon?  
15 A Yes, I have.  
16 Q And did he indicate his availability?  
17 A Not exactly cause he doesn't know his  
18 schedule.  
19 Q Is he presently in Korea?  
20 A No. He's here.  
21 Q And how long has he been in the U.S. on  
22 this last trip?  
23 A I guess about -- about a month now.  
24 Q And he's still here in America now?  
25 A Correct.

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1 Q Okay. Anyone else?  
2 A As managers?  
3 Q Mr. Baek; correct?  
4 A He wasn't a manager.  
5 Q Or assistant manager.  
6 A I don't even think he was assistant  
7 manager. He was just an employee.  
8 Q Would he be at a supervisor level?  
9 A No. It's hard to describe the word in  
10 Korea to English of what that is, but a working staff  
11 I guess.  
12 Q Well, he wasn't secretarial; correct?  
13 A No. He wasn't secretarial.  
14 Q What was Mr. Baek's role at the company?  
15 A He was purchasing -- purchasing and  
16 warehouse, but he didn't have any -- a rank or  
17 anything.  
18 Q Why don't we broaden it, then. Who else  
19 worked at U. Lim America other than secretarial staff  
20 during Mr. Kang's employment?  
21 A Other than secretarial? So Mr. Baek --  
22 other than --  
23 Q Other than secretarial. I'm not talking  
24 about the secretaries.  
25 MR. BATTENFELD: If there were any secretaries

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1 Q Is he working presently out of the  
2 facility in Mexico?  
3 A He goes back and forth, yes.  
4 Q Does he make a daily appearance or a  
5 weekly appearance?  
6 A Daily appearance.  
7 Q Are you aware of any scheduled return  
8 trips to Korea by Mr. Ki Hwa Yoon?  
9 A No, I'm not. No. I do know -- I'm  
10 sorry. January the 18th he's thinking about going  
11 back. Yeah.  
12 Q Over the course of the last year, how  
13 much time has Ki Hwa Yoon spent in the U.S.?  
14 A A total of maybe three to four months.  
15 That's in and out.  
16 Q Other than Mr. Park, Mr. Kang, and  
17 Mr. Cheong, what other persons have been employed as  
18 managers or assistant managers at U. Lim America  
19 during the course of Mr. Kang's employment?  
20 MR. BATTENFELD: Other than who?  
21 MR. GREY: Mr. Park, Mr. Kang himself, and  
22 Mr. Cheong.  
23 THE WITNESS: Would Mr. Ko be -- I mean while  
24 he was there, Mr. Ko was there.  
25 BY MR. GREY:

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1 at the time.  
2 MR. GREY: If there were.  
3 Q Why don't we just establish were all the  
4 secretaries hired under U. Lim Mexico?  
5 A Yeah.  
6 Q Okay. So then basically we can just say  
7 who was an employee of U. Lim America during the  
8 course of Mr. Kang's employment.  
9 A Okay. Mr. Baek was there for a couple of  
10 months. I don't know how long. I don't think there  
11 was any other people -- U.S. employee.  
12 Q Okay. And all the supervisors who worked  
13 for U. Lim Mexico, all of them reported to one of the  
14 U. Lim managers whoever that may be for that  
15 department; correct?  
16 A Correct.  
17 Q And so as I understand it, then, that  
18 during the course of Mr. Kang's employment all of the  
19 employees at U. Lim America were, in fact, of Korean  
20 ancestor; correct?  
21 A U. Lim America?  
22 Q Yeah.  
23 A Yes. Well, no. Yes, yes. That's  
24 correct. Yes, yes.  
25 MR. BATTENFELD: He means by that not

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1 U. Lim, he was not fluent in Spanish?  
2 A Correct.  
3 Q Was Mr. Ko fluent in either English or  
4 Spanish?  
5 A No, he was not.  
6 Q And you were fluent in English; correct?  
7 A Correct.  
8 Q And Tae Jin Yoon was neither fluent in  
9 English nor Spanish; correct?  
10 A Correct.  
11 Q And Ki Hwa Yoon is neither fluent in  
12 English nor Spanish?  
13 A No.  
14 Q Did you ever hear Tae Jin Yoon refer to  
15 Americans as lazy?  
16 A No. Cause I consider myself American  
17 citizen. No.  
18 Q Did you ever hear Tae Jin Yoon refer to  
19 Koreans as harder-working people?  
20 A No.  
21 Q Never?  
22 A No.  
23 Q Did you ever hear Tae Jin Yoon refer to  
24 Mexicans as being lazy?  
25 A No.

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1 Q No estimate?  
2 A No estimate.  
3 Q And how about for 1998?  
4 A I guess it would be the same as I was.  
5 Q Do you know how many Sundays Mr. Park  
6 worked in 1994?  
7 A No clue.  
8 Q No estimate?  
9 A No.  
10 Q How about 1995?  
11 A No. No estimate.  
12 Q And 1996?  
13 A Same -- same as I would be I guess.  
14 Q If you have no estimate, that's fine.  
15 A Okay.  
16 Q But you have to say that, otherwise if  
17 you say same as you, then you are making an  
18 affirmative response that it is the same as you. So  
19 let me ask you again in 1996 do you have any estimate  
20 as to how many Sundays Mr. Park worked?  
21 A Same as mine.  
22 Q How about 1997?  
23 A Same as mine.  
24 Q In '98?  
25 A Same as mine.

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1 Q As being irresponsible?  
2 A No. Well, he would tell us -- I mean  
3 everybody comments that I'm responsible, you know. I  
4 mean occasionally he would say that to me or to all  
5 the employees.  
6 Q Did Tae Jin Yoon ever refer to Koreans as  
7 harder working?  
8 MR. BATTENFELD: Objection, asked and answered.  
9 THE WITNESS: No.  
10 BY MR. GREY:  
11 Q Do you have any knowledge as to how many  
12 Saturdays Mr. Park worked during 1994 other than I  
13 assume those ten makeup days?  
14 A I can't give you an estimate on that.  
15 Q Do you have any estimate as to how many  
16 Saturdays Mr. Park worked in 1995 beyond those ten  
17 makeup days?  
18 A I would say about the same as I. I mean  
19 taking out the golf -- I mean the entertainments,  
20 about the same.  
21 Q Do you have any estimate as to how many  
22 Saturdays he worked in 1996?  
23 A In 1996, no. No estimate.  
24 Q How about for 1997?  
25 A No.

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1 Q Now, in 1996 you said you only worked two  
2 Sundays and maybe one or two entertainment Sundays.  
3 A Uh-huh.  
4 Q Having worked only two Sundays in the  
5 plant, how is it that you have an estimate that he  
6 worked the same as you for 1996, the number of  
7 Sundays?  
8 A On Sundays? Can you repeat that again?  
9 Q Well, you testified that you worked  
10 approximately two Sundays in 1996 at the plant.  
11 A Uh-huh.  
12 Q And one to two entertainment Sundays.  
13 A Correct.  
14 Q I assume the one to two entertainment  
15 Sundays were not done at the plant, or they are not  
16 much entertainment.  
17 A Correct.  
18 Q So you worked two Sundays at the plant.  
19 How is it that you have an estimate that he worked the  
20 same number of Sundays if you were only there two  
21 times during the year?  
22 A I told you. I worked two Sundays, so  
23 Mr. Park worked two times in the year.  
24 Q Are you aware of Mr. Park working any  
25 other time when you weren't there on a Sunday?

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1 within five business days of receipt of those changes,  
2 and if for any reason the loss -- if for any reason  
3 the deposition is lost, misplaced, stolen, or  
4 otherwise unavailable, a certified copy can be used  
5 instead.

6 What else do we need?

7 MR. BATTENFELD: Nothing.

8 MR. GREY: And we'll relieve the court reporter  
9 of her duties under the code, and you'll mail the  
10 deposition transcript directly to Mr. Battenfeld's  
11 office.

12 /

13 /

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1 STATE OF CALIFORNIA )  
 : ss  
2 COUNTY OF SAN DIEGO )  
3

4 I, the undersigned, a Certified Shorthand  
5 Reporter of the State of California, do hereby  
6 certify:

7 That the foregoing proceedings were taken  
8 before me at the time and place herein set forth; that  
9 any witnesses in the foregoing proceedings, prior to  
10 testifying, were placed under oath; that a verbatim  
11 record of the proceedings was made by me using machine  
12 shorthand which was thereafter transcribed under my  
13 direction; further, that the foregoing is an accurate  
14 transcription thereof.

15 I further certify that I am neither  
16 financially interested in the action nor a relative or  
17 employee of any attorney of any of the parties.

18 IN WITNESS WHEREOF, I have this date  
19 subscribed my name.

20 Dated: \_\_\_\_\_

21  
22  
23  
24 JESSICA E. MASSE  
25 CSR No. 9910

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8  
9 I, JAE HO CHO, do hereby declare under  
10 penalty of perjury that I have read the foregoing  
11 transcript of my deposition; that I have made such  
12 corrections as noted herein, in ink, initialed by me,  
13 or attached hereto; that my testimony as contained  
14 herein, as corrected, is true and correct.

15 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
16 19\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.  
 (City) (State)

17  
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20 JAE HO CHO  
21 Volume I  
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JAE HO CHO  
01/11/00

<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 4 SOO CHEOL KANG, ) 5 Plaintiff, ) 6 vs. ) No. 99 CV659 JM 7 U. LIM AMERICA, INC.; TAE ) (RBB) 8 JIN YOON, an individual; and ) 9 DOES 1 to 100, ) 10 Defendants. ) 11 12 13 14 15 DEPOSITION OF JAE HO CHO 16 San Diego, California 17 Tuesday, January 11, 2000 18 Volume II 19 20 21 22 23 Reported by: 24 JESSICA E. MASSE 25 CSR No. 9910 JOB No. 12065B</p> <p>156</p>	<p>1 APPEARANCES: 2 For the Plaintiff: 3 LAW OFFICE OF RICHARD E. GREY 4 BY: RICHARD E. GREY 5 Attorney at Law 6 409 Camino Del Rio South, Suite 303 7 San Diego, California 92108 8 (619) 543-9300 9 10 For the Defendants: 11 12 MORGAN, LEWIS &amp; BOCKIUS 13 BY: JOHN S. BATTENFELD 14 Attorney at Law 15 300 South Grand Avenue, 22nd Floor 16 Los Angeles, California 90071 17 (213) 612-2500 18 19 Also Present: 20 SOO CHEOL KANG 21 22 23 24 25</p> <p>158</p>
<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 4 SOO CHEOL KANG, ) 5 Plaintiff, ) 6 vs. ) No. 99 CV659 JM 7 U. LIM AMERICA, INC.; TAE ) (RBB) 8 JIN YOON, an individual; and ) 9 DOES 1 to 100, ) 10 Defendants. ) 11 12 13 14 15 Deposition of JAE HO CHO, Volume 16 II, taken on behalf of Plaintiff, at 17 501 West Broadway, Suite 1300, San 18 Diego, California, beginning at 3:56 19 p.m. and ending at 5:34 p.m. on 20 Tuesday, January 11, 2000, before 21 JESSICA E. MASSE, Certified Shorthand 22 Reporter No. 9910. 23 24 25</p> <p>157</p>	<p>1 INDEX 2 3 WITNESS: EXAMINATION 4 JAE HO CHO 5 Volume II 6 7 BY MR. GREY 160 8 9 10 11 EXHIBITS 12 (None) 13 14 15 16 17 INSTRUCTION NOT TO ANSWER 18 Page Line 19 187 6 20 193 21 21 22 23 24 25</p> <p>159</p>



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1 questioned on those limited topics.  
2 BY MR. GREY:  
3 Q Okay. Mr. Cho, was there ever a point in  
4 time when Tae Jin Yoon stopped regularly visiting the  
5 U. Lim facility in Mexico?  
6 A Stopped visiting? He does a lot of  
7 marketing, too, marketing and sales. He does that,  
8 too. So when you say "stopped" --  
9 Q I'm talking about physically coming to  
10 the plant.  
11 MR. BATTENFELD: I object that the question is  
12 ambiguous as to whether you are referring to instances  
13 where he was out of the country for one reason or  
14 another, or you are referring to a situation where he  
15 was physically in the area, but not coming to the  
16 plant.  
17 MR. GREY: I'll try to clarify.  
18 Q Certainly back in 1994, '95, Tae Jin Yoon  
19 was regularly coming to the Tijuana facility; correct?  
20 A Correct.  
21 Q And was doing so generally speaking on a  
22 regular basis unless he had business trips; correct?  
23 A Correct.  
24 Q And was generally responsible for the  
25 overseeing of the daily activities of the factory;

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1 Korea ever change?  
2 A Did it change?  
3 Q Those extended business trips to Korea.  
4 A No. It did not change.  
5 Q So you are saying from December of 1996  
6 to the present, he's had substantial business trips to  
7 Korea that have taken him away from the facility?  
8 A Correct.  
9 Q In the last -- 1999, approximately how  
10 many times did he actually physically come to the  
11 plant?  
12 A In 1999?  
13 Q Right.  
14 A I'd say in a month --  
15 MR. BATTENFELD: If you can, estimate again.  
16 You don't want to guess.  
17 THE WITNESS: Maybe ten times.  
18 BY MR. GREY:  
19 Q And how about 1998?  
20 A I would say 50 percent of the time.  
21 Q And when you say "50 percent of the  
22 time," you are referring to 50 percent of the  
23 workdays?  
24 A Correct.  
25 Q Now, you changed facilities in April of

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1 correct?  
2 A Correct.  
3 Q Was there a point in time when that  
4 routine changed for Mr. Yoon where he was no longer  
5 regularly coming to the Tijuana facility?  
6 MR. BATTENFELD: You mean other than when he  
7 was on business trips?  
8 MR. GREY: Other than the business trips which  
9 were typical for him in '94, '95, '96.  
10 THE WITNESS: I would say it started around  
11 1996 December.  
12 BY MR. GREY:  
13 Q And what changed in December of 1996?  
14 A He had a lot of business trips to Korea.  
15 Q When did he resume, if he resumed, his  
16 daily overseeing activities at the plant?  
17 A Say that again.  
18 Q When, if ever, did he resume his daily  
19 overseeing activities at the plant?  
20 MR. BATTENFELD: Well, I'll object. It  
21 misstates the witness' prior testimony. He simply  
22 said starting in December of 1996 Mr. Yoon had a lot  
23 of business trips to Korea.  
24 BY MR. GREY:  
25 Q Did that period of business trips to

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1 1998; correct?  
2 A No. April of '99.  
3 Q April of '99. I'm sorry.  
4 And when you said in 1998 that he worked  
5 approximately 50 percent -- or strike that -- that he  
6 attended the Tijuana facility approximately 50 percent  
7 of the workdays, was that 50 percent more that  
8 occurred in the beginning of 1998, in the middle, or  
9 was it spread out evenly?  
10 A I would say spread out.  
11 Q Now, there was a point in time when Tae  
12 Jin Yoon no longer had check-writing authority;  
13 correct?  
14 A Correct.  
15 Q When was that?  
16 A I can't remember when because he went on  
17 a lot of business trips, and he was hardly at the  
18 facility. So the younger son You Sik Yoon took over  
19 the check-writing ability.  
20 Q It's true, however, that Tae Jin Yoon  
21 presently has no check-writing ability for U. Lim  
22 America; correct?  
23 A No.  
24 Q No, he does not have that ability, or  
25 that's not true?

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1 like four months ago.  
2 Q When was it that you were made general  
3 manager?  
4 A I don't know that. I don't know exactly  
5 when that was.  
6 Q What's your best estimate?  
7 A A year and a half ago.  
8 Q And you were made assistant general  
9 manager how much before that time?  
10 A I can't remember.  
11 Q Best estimate?  
12 A Not even a best estimate. I can't  
13 remember.  
14 MR. BATTENFELD: You need to speak up.  
15 THE WITNESS: I can't remember. Sorry.  
16 BY MR. GREY:  
17 Q Is it your testimony that when you were  
18 assistant general manager, you have no knowledge of  
19 who had check-writing ability for U. Lim Mexico?  
20 A Well, I had the authority, but -- yeah.  
21 Yeah. I don't know who else.  
22 Q Okay. You had check-writing authority  
23 for U. Lim Mexico?  
24 A Correct.  
25 Q When did that start?

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1 Lim America?  
2 MR. BATTENFELD: During his entire employment?  
3 MR. GREY: Yeah.  
4 THE WITNESS: You Sik had signing ability.  
5 BY MR. GREY:  
6 Q This is for U. Lim Mexico?  
7 A That's correct. And Mr. Ki Hwa Yoon had  
8 the authority.  
9 Q And Ki Hwa Yoon, I assume, has had  
10 authority for as long as you can recall for U. Lim  
11 Mexico?  
12 A No. I think -- well --  
13 MR. BATTENFELD: Don't guess.  
14 THE WITNESS: I don't know.  
15 BY MR. GREY:  
16 Q When did You Sik Yoon obtain any  
17 check-writing authority for U. Lim Mexico?  
18 A Maybe after Soo Kang left the company.  
19 Maybe three months later. Something like that.  
20 Q Approximately in May of '98?  
21 A Approximately.  
22 Q And then at some point in time Tae Jin  
23 Yoon had U. Lim Mexico check-writing authority, but  
24 lost it; correct?  
25 A He had it from the start. When you say

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1 A Maybe in -- maybe three, four years ago.  
2 I can't remember when it was.  
3 Q And was that with your sole signature, or  
4 was a co-signature required?  
5 A At the time it was sole. Then after a  
6 while, it went to two signatures. Then I went sole  
7 again. Then it went to two signatures again. So it  
8 went back and forth.  
9 Q And the first time it went to two  
10 signatures, who was the second signature required?  
11 A Maybe it was Ko. I can't remember.  
12 Q And the second time it went to two  
13 signatures, who was the second signature required?  
14 A Me and Park.  
15 Q And when you say two signatures, is that  
16 presently what is required?  
17 A Presently, yes.  
18 Q And is Park the co-signator that is  
19 required?  
20 A That's correct.  
21 Q For U. Lim Mexico?  
22 A Correct.  
23 Q Other than possibly Ko and Mr. Park, are  
24 you aware of anyone else who had U. Lim Mexico  
25 check-writing authority while you were employed at U.

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1 "check-writing authority," I mean it was -- it was his  
2 and Mr. Yoon's decision to take him out. It wasn't  
3 just solely Mr. Ki Hwa Yoon's decision.  
4 Q We'll get to that.  
5 A Okay.  
6 Q When did You Sik Yoon actually start  
7 working for either U. Lim America or U. Lim Mexico?  
8 A I can't remember.  
9 Q What is your best estimate?  
10 A No estimate.  
11 Q No estimate at all?  
12 A Well, I gave -- well, I told you that he  
13 started when Mr. Kang left.  
14 Q No. You told me his check-writing  
15 authority.  
16 A That's correct.  
17 Q It's not exactly the same thing.  
18 When to your best estimate did he start  
19 working for either U. Lim America or U. Lim Mexico?  
20 A No estimate.  
21 Q So it could have been as early as 1994,  
22 or it could have been as late as yesterday?  
23 A Well, I guess it would have been when his  
24 visa started, so I can't tell you when his visa  
25 started.

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1 recollection prior to February of '98 while You Sik  
2 Youn had been in this country, he'd been a student; is  
3 that correct?  
4 A He was a student. He came off and on, so  
5 I can't -- I can't answer your question. Without  
6 looking at my documents or something, I can't answer  
7 that question.  
8 Q So are you meaning to say, then, that you  
9 are not sure whether he was continuously a student  
10 throughout that period?  
11 A Yes. That's correct.  
12 Q But you've never known him to be employed  
13 either here or in Mexico prior to February of '98;  
14 correct?  
15 A Well, see. He was employed in south  
16 Korea. Okay? He was employed in south Korea. I  
17 can't -- yeah.  
18 Q I'm just asking now for U.S. and Mexico.  
19 A Can I talk to my attorney for a second?  
20 Q Sure.  
21 (Brief recess.)  
22 MR. GREY: Can you repeat that question once  
23 more for the witness?  
24 (Record read.)  
25 THE WITNESS: In 1997 You Sik, I believe, was

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1 going to school, but I was not engaged in any working  
2 activities with him in '97. So I don't know if he was  
3 actually working for the company or not, but I do know  
4 that Mr. -- when Mr. Soo Cheol Kang left the company,  
5 You Sik Youn had started in Mexico.  
6 BY MR. GREY:  
7 Q Okay. I guess I'm confused by your  
8 answer because you were at the Mexico facility in  
9 1997.  
10 A That's correct.  
11 Q And you were there all year; correct?  
12 A Correct.  
13 Q And for all intents and purposes, U. Lim  
14 America plant is the U. Lim plant in that they occupy  
15 the same facility.  
16 A Correct.  
17 Q So you would have been in a position to  
18 know whether or not You Sik Youn was working for the  
19 company in 1997; correct?  
20 MR. BATTENFELD: I object. It calls for  
21 speculation.  
22 THE WITNESS: Like I said, I do not -- I did  
23 not engage in any business with You Sik Youn, so I  
24 don't have any knowledge if he did work or if he  
25 didn't work.

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1 BY MR. GREY:  
2 Q In 1997, you didn't see any evidence  
3 during the course of your duties of him performing any  
4 services for U. Lim America or U. Lim Mexico; correct?  
5 A If he had done any services, he would  
6 have probably done it on the U.S. side.  
7 Q In your work in 1997, you didn't come  
8 across any evidence of any services performed by You  
9 Sik Youn for either U. Lim America or U. Lim Mexico;  
10 correct?  
11 A Yes. I didn't see.  
12 Q So you have no knowledge, then, of You  
13 Sik Youn during that period before February of 1998  
14 performing any services for U. Lim America or U. Lim  
15 Mexico?  
16 A He might have in the U.S., but not in  
17 Mexico.  
18 Q What I'm saying is you have no knowledge  
19 of it. If he did, he did it outside the scope of your  
20 knowledge; is that correct?  
21 A That would be correct.  
22 Q Now, what were the facilities in the  
23 United States that you are referring to?  
24 A Mr. Yoon's house.  
25 Q And to your knowledge, what, if any,

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1 corporate functions are served at Mr. Yoon's house?  
2 A It's just an office.  
3 Q Is it, in fact, a working office, or is  
4 it just an office in title only?  
5 A Office in title only.  
6 Q So there's -- it's not a working office?  
7 A Well, after -- after late hours, yes.  
8 Mr. Yoon does work there, so I guess you could call  
9 it -- yes. You can call it an office that you work  
10 in.  
11 Q And is that the Westview Court?  
12 A That's correct.  
13 Q And is that the only U. Lim America -- or  
14 U. Lim Mexico and American facility or location for  
15 either company?  
16 A That's correct.  
17 Q Do you have knowledge as to whether or  
18 not You Sik Youn was on either U. Lim America or U.  
19 Lim Mexico's payroll prior to February 1998?  
20 A I do not know.  
21 Q Did you ever at any point in time examine  
22 any accounting records which evidenced that fact?  
23 A I do not know.  
24 Q Do you know whether or not Mr. You Sik  
25 Youn obtained any check-writing authority either

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JAE HO CHO  
01/11/00

1 A No, it was not.  
2 Q Okay. Who was it in 1997 that came over?  
3 A I think it was Mr. Lee.  
4 Q And did Mr. Lee discover accounting  
5 discrepancies?  
6 A No, he did not.  
7 Q Isn't it true that you provided Mr. Lee  
8 with information as to certain accounting  
9 discrepancies?  
10 A No, I did not.  
11 Q Isn't it true that, in fact, you provided  
12 Mr. Lee with evidence that Mr. Tae Jin Yoon had either  
13 not disclosed and/or embezzled certain funds from U.  
14 Lim America?  
15 A I'm not aware of.  
16 Q You are not aware of that?  
17 A No, I'm not.  
18 Q Did it happen?  
19 A I'm not aware of it. I don't know cause  
20 I wasn't involved.  
21 Q Was there any investigation, that is, as  
22 to whether or not Tae Jin Yoon ever failed to disclose  
23 certain moneys received by or on behalf of U. Lim  
24 America and/or embezzled any funds from U. Lim  
25 America?

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1 check-writing ability itself.  
2 Q Are you aware of any employee of U. Lim  
3 ever having been directed by U. Lim to smuggle any  
4 cash back to Korea?  
5 A No. I do not know anything about that.  
6 MR. BATTENFELD: Give me a chance to make an  
7 objection.  
8 Richard, I'm cutting you off. I've  
9 indulged you as to this line of inquiry which has no  
10 relevance to Mr. Kang's case.  
11 MR. GREY: It certainly has relevance. What  
12 are you talking about?  
13 MR. BATTENFELD: How does it have relevance?  
14 MR. GREY: I will explain it. To the extent  
15 that you are telling employees of U. Lim America to  
16 commit criminal acts which you know to be criminal,  
17 which you know to be wrongful and to the extent that  
18 those U. Lim America employees are willing to commit  
19 those criminal acts either under threat of termination  
20 or by other sort of influence by U. Lim America.  
21 It goes to the credibility of the  
22 witnesses that are going to be speaking on U. Lim's  
23 behalf, that being Mr. Cho, Mr. Park, Ki Hwa Yoon, Tae  
24 Jin Yoon. If you can get them to commit criminal acts  
25 with respect to smuggling, certainly the obstruction

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1 A No.  
2 Q There was no investigation?  
3 A No investigation. Like I said, there is  
4 an audit every year.  
5 Q Isn't it true that at the U. Lim facility  
6 Ki Hwa Yoon wrote on one of the boards there --  
7 bulletin boards and/or blackboards -- that Tae Jin  
8 Yoon had stolen and/or embezzled funds from U. Lim  
9 America?  
10 A No, he did not.  
11 Q Isn't it true that you had a discussion  
12 with Bo Won Cheong as to whether or not you should  
13 make the information with respect to Tae Jin Yoon's  
14 embezzlement known to Ki Hwa Yoon?  
15 A No, I did not.  
16 Q Was there any memorandum or other  
17 instruction oral or written issued from either U. Lim  
18 Korea or Ki Hwa Yoon that Tae Jin Yoon was being  
19 relieved from any of his duties at U. Lim America or  
20 U. Lim Mexico?  
21 A I'm not aware of that.  
22 Q Are you aware in any capacity of Ki Hwa  
23 Yoon or U. Lim Korea relieving Tae Jin Yoon of any of  
24 his duties at U. Lim Mexico or U. Lim America?  
25 A The only thing I'm aware of is the

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1 of witnesses and getting them to lie with respect to  
2 deposition testimony is right in line.  
3 MR. BATTENFELD: I would suggest that you watch  
4 what you say about obstruction of witnesses. What we  
5 have is my witness asking a non-subpoenaed witness as  
6 a friend to stay out of the case if he wanted to.  
7 What we have your client doing is offering to pay  
8 Mr. Carillo to testify on his behalf. So you be  
9 careful, Mr. Grey, to make that claim.  
10 MR. GREY: I am not concerned, John. I'm not  
11 concerned because I know the events and how they went  
12 down. Okay? And certainly Raul Carillo was not  
13 offered any money to testify. He came forward and  
14 said that -- Raul Carillo said he could not attend the  
15 deposition because he'd be fired. We then tried to  
16 see whether or not we can get him a job so we can  
17 permit him to testify providing that job did not allow  
18 additional moneys.  
19 So there was absolutely no betterment of  
20 his position that was ever, ever intended nor was  
21 going to be allowed. So I know how that went down,  
22 and that's not the case. He was never paid to  
23 testify.  
24 Q Were you ever told that you should have  
25 reported Tae Jin Yoon's activities to U. Lim Korea or

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JAE HO CHO  
01/11/00

1 case. That's the only reason I'm asking this.  
2 MR. BATTENFELD: It's already been established  
3 by this witness according to his recollection that  
4 Mr. Kang's case was not discussed in the meeting with  
5 Mr. Cheong. Based on that testimony, what you are  
6 asking about goes to Mr. Cheong's case and  
7 Mr. Cheong's case alone.  
8 MR. GREY: Well, why don't you let him say  
9 whether or not words to that effect ever occurred at  
10 that meeting that he recalls.  
11 MR. BATTENFELD: What words to what effect?  
12 MR. GREY: Anything with respect to Ki Hwa Yoon  
13 saving face.  
14 THE WITNESS: Saving face? Well, see, I was at  
15 the -- I was at the -- I guess you call it a meeting  
16 or gathering.  
17 MR. BATTENFELD: Hold on. Let's take a break.  
18 (Brief recess.)  
19 BY MR. GREY:  
20 Q You've had a chance to meet with your  
21 attorney. Do you have an answer to the question?  
22 A No. I did not hear any such word because  
23 there is background. There is a lot of noise, and  
24 this was at a cafe. I just stood back and let them do  
25 what they have to do. I just didn't have any

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1 knowledge of what they were talking about.  
2 Q At all?  
3 A Well, at all. Well, I didn't hear, so I  
4 don't know what they really were talking about.  
5 Q But your testimony is you didn't have any  
6 knowledge of their conversation?  
7 MR. BATTENFELD: Objection, misstates prior  
8 testimony. He heard some of what they said.  
9 MR. GREY: I believe he's changed his  
10 testimony.  
11 MR. BATTENFELD: I don't believe he has.  
12 BY MR. GREY:  
13 Q So you did hear some of the conversation;  
14 correct?  
15 A Like I said, it was -- there was a lot of  
16 music background. I just kicked back, and they were  
17 talking. I didn't hear anything.  
18 Q You didn't hear anything?  
19 A No.  
20 Q On your return trip, did you discuss with  
21 Mr. Kim how the meeting went?  
22 A Return trip?  
23 Q Well, did you leave the cafe with  
24 Mr. Kim?  
25 A Yes.

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1 Q And where did you go with Mr. Kim from  
2 the cafe?  
3 A We went back down to San Diego.  
4 Q And this cafe was in L.A.; correct?  
5 A That's right.  
6 Q And you drove together in a car?  
7 A That's correct.  
8 Q During the course of leaving the cafe and  
9 returning to San Diego, did you discuss the meeting  
10 with Mr. Kim?  
11 A Yes, we did.  
12 Q And what did you discuss?  
13 A I think I asked him how everything went.  
14 He responded to me everything looks good. Something  
15 like that. Other issues like Kang's issue was never  
16 mentioned. Then he got on the phone, was talking to  
17 Korea about work for about 30 minutes. That's the  
18 only thing I can remember.  
19 Q Approximately what time did you leave the  
20 cafe?  
21 A Let's see. Estimate of 7:00 or 9:00.  
22 Between that time.  
23 Q 7:00 or 9:00 p.m.?  
24 A Yeah.  
25 Q And what did you understand him to mean

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1 when he said everything looks good?  
2 MR. BATTENFELD: Objection, calls for  
3 speculation.  
4 THE WITNESS: I mean how the meeting went.  
5 BY MR. GREY:  
6 Q What did you understand that to mean?  
7 MR. BATTENFELD: Calls for speculation.  
8 THE WITNESS: Well, he's a -- I don't know.  
9 He's a quiet person, so he doesn't discuss a lot of  
10 things with me. He talked with Mr. Yoon about some  
11 issues, but I can't remember what they talked about.  
12 BY MR. GREY:  
13 Q Tae Jin Yoon or You Sik Yoon or Ki Hwa  
14 Yoon?  
15 A I think it was You Sik Yoon.  
16 Q Was You Sik Yoon with you?  
17 A Excuse me?  
18 Q Was You Sik Yoon with you in the car?  
19 A No, he was not.  
20 Q Did he phone You Sik Yoon?  
21 A No. It was after. I don't know if they  
22 met -- I mean where they met, but I think they met.  
23 Q You are talking about after you arrived  
24 to San Diego?  
25 A Correct.

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JAE HO CHO  
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1 A Excuse me?  
2 Q How much time did you spend in the  
3 meeting with Mr. Cheong?  
4 A Like I said, we met. We ate. We just  
5 asked each other how we were doing. Then we went to a  
6 cafe. Maybe we ate. Maybe 30 minutes at the  
7 restaurant. Then we went to a cafe, and we were there  
8 maybe from 30 to 40 minutes, then left.  
9 Q So approximately the whole thing took  
10 anywhere from six to seven hours; correct?  
11 A Six to seven hours?  
12 Q Two and a half hours up, two and a half  
13 hours back. That's five. Another hour and 15 minutes  
14 for dinner and the cafe.  
15 A That's about right.  
16 Q Did you discuss with Mr. Kim this  
17 upcoming meeting with Mr. Cheong on the way up to  
18 L.A.?  
19 A Yes, we did.  
20 Q What did you discuss?  
21 MR. BATTENFELD: I'm going to object to the  
22 question as phrased as seeking evidence relating to  
23 Mr. Cheong's case rather than Mr. Kang's case, and  
24 absent a limitation to ask whether there was any  
25 discussion about Mr. Kang's case or any testimony

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1 to file, and we wanted to know why he was going to  
2 file.  
3 Q And who did you hear this from?  
4 MR. BATTENFELD: Objection. To the extent that  
5 the question calls for attorney/client communication,  
6 I instruct the witness not to answer as to any  
7 attorney/client communications.  
8 BY MR. GREY:  
9 Q Did you discover this from anyone other  
10 than your attorney?  
11 A I can't recall who I heard it from, but I  
12 heard that -- I can't remember who told me that.  
13 Q Did you ever receive any instruction from  
14 Ki Hwa Yoon to meet with Mr. Cheong?  
15 A No, we did not.  
16 Q Did you ever receive any instruction from  
17 Ki Hwa Yoon as to meeting with any witnesses or former  
18 employees of U. Lim America concerning Mr. Kang's  
19 litigation?  
20 A No.  
21 Q Other than Raul Carillo and Mr. Cheong,  
22 have you met with any former employees of U. Lim  
23 America or Mexico concerning Mr. Kang's litigation?  
24 MR. BATTENFELD: Objection, asked and answered.  
25 THE WITNESS: Ko contacted me, and we talked.

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1 Mr. Cheong might give in Mr. Kang's case, I will  
2 instruct the witness not to answer the question.  
3 MR. GREY: I will clarify.  
4 Q Did you discuss in any way that  
5 Mr. Cheong might be testifying in Mr. Kang's case?  
6 A That issue was not mentioned, no.  
7 Q Never?  
8 A No.  
9 Q You were aware at the time you went up  
10 that Mr. Cheong had filed a lawsuit; correct?  
11 A No, I did not. I wasn't aware at that  
12 time. I heard that that was the case, but I did not  
13 know if he filed it or not filed it because it was way  
14 before I received -- what do you call it -- a summons  
15 letter or a sue letter.  
16 Q What was your understanding as to whether  
17 or not he had filed a case against U. Lim at the time  
18 you went up to this meeting?  
19 A He did not file.  
20 Q So at the time you went, it's your  
21 understanding that no case had been filed by  
22 Mr. Cheong against U. Lim; correct?  
23 A Correct.  
24 Q What was your reason for going up, then?  
25 A The reason was we heard that he was going

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1 Ko and I talked.  
2 BY MR. GREY:  
3 Q Did you discuss whether or not he was  
4 going to testify in this litigation?  
5 A When he called me, he told me about Soo  
6 Cheol contacting him and said he would pay for his  
7 airplane ticket. He would compensate him, and he told  
8 me why is he doing -- why is he suing the company. Is  
9 he all right? Does he have a problem? Things like  
10 that. Then we went on to our own business.  
11 Q And what did you say with respect to why  
12 Mr. Kang was suing?  
13 A I told him all of the things that he was  
14 suing, about discrimination, discharge. That's about  
15 it.  
16 Q Did you comment on Mr. Kang's lawsuit at  
17 that time?  
18 A With Ko?  
19 Q Yeah.  
20 A Yes. Briefly, yes.  
21 Q And what did you comment on?  
22 A About why he was -- why he's filing  
23 lawsuit against the company.  
24 Q Did you make any comments about it?  
25 A Comments -- no comments. Cause he called

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JAE HO CHO  
01/11/00

1 STATE OF CALIFORNIA )  
2 : ss  
3 )  
4 I, the undersigned, a Certified Shorthand  
5 Reporter of the State of California, do hereby  
6 certify:  
7 That the foregoing proceedings were taken  
8 before me at the time and place herein set forth; that  
9 any witnesses in the foregoing proceedings, prior to  
10 testifying, were placed under oath; that a verbatim  
11 record of the proceedings was made by me using machine  
12 shorthand which was thereafter transcribed under my  
13 direction; further, that the foregoing is an accurate  
14 transcription thereof.  
15 I further certify that I am neither  
16 financially interested in the action nor a relative or  
17 employee of any attorney of any of the parties.  
18 IN WITNESS WHEREOF, I have this date  
19 subscribed my name.  
20  
21 Dated: \_\_\_\_\_  
22  
23 \_\_\_\_\_  
24 JESSICA E. MASSE  
25 CSR No. 9910

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KANG V.  
U. LIM AMERICA

JAE HO CHO, VOL 3  
02/01/00

1 THE WITNESS: No. There was not.  
2 BY MR. GREY:  
3 Q Has he ever discussed with you -- or has  
4 he ever denied to you that he's ever hit Mr. Kang?  
5 MR. BATTENFELD: Same objection and same  
6 instruction.  
7 MR. GREY: You have to give a verbal response.  
8 THE WITNESS: No.  
9 BY MR. GREY:  
10 Q Has he ever denied to you that he's ever  
11 grabbed Mr. Kang by the ear during the course of his  
12 employment?  
13 MR. BATTENFELD: Same objection and same  
14 instruction.  
15 THE WITNESS: No.  
16 BY MR. GREY:  
17 Q Has he ever denied to you that he's ever  
18 thrown anything at Mr. Kang during the course of his  
19 employment?  
20 MR. BATTENFELD: Same objection. Same  
21 instruction.  
22 THE WITNESS: No.  
23 BY MR. GREY:  
24 Q What's your present pay at U. Lim?  
25 A My present pay?

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1 A Maybe 3500 to 4,000 monthly. I can't --  
2 I can't remember exactly.  
3 MR. BATTENFELD: Don't guess.  
4 THE WITNESS: Yeah. I can't remember.  
5 BY MR. GREY:  
6 Q Did this salary increase coincide with  
7 you becoming a general manager?  
8 A Yes.  
9 Q So it's your understanding that you had  
10 the salary increase approximately in January of '99?  
11 A Maybe '98. I can't -- maybe '98. In the  
12 wintertime of '98, or -- I can't really tell you when  
13 my salary increased exactly, what time.  
14 MR. GREY: Okay. We've had all this special  
15 time together.  
16 THE WITNESS: Okay.  
17 MR. GREY: She's going to make up a copy of  
18 this transcript, which will be very short, and you've  
19 got the other transcripts I assume by now, and we'll  
20 just have the same stipulation apply.  
21 MR. BATTENFELD: Sure. 30 days from receipt?  
22 MR. GREY: Yeah. Good enough.  
23 /  
24 /  
25

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1 Q Yeah.  
2 MR. BATTENFELD: Why is that relevant?  
3 MR. GREY: As a current employee of U. Lim, it  
4 goes to U. Lim's control over him, his comparison  
5 between what he could make at other locations, other  
6 types of jobs, other corporations. So it's a question  
7 of what control U. Lim has over him.  
8 MR. BATTENFELD: I'm going to take a break and  
9 talk to the witness. It goes to the privacy issues  
10 and whether he wants to disclose that information or  
11 not. It's a privacy issue.  
12 (Brief recess.)  
13 MR. BATTENFELD: I've spoken to my client.  
14 There is a privacy objection here. He has limited  
15 questions, and he's willing to waive his privacy  
16 rights. So I'll allow him to answer the question.  
17 BY MR. GREY:  
18 Q Okay. What's your current salary?  
19 A 60,000.  
20 Q 60,000?  
21 A Yes. That's correct.  
22 Q And when is the last salary increase you  
23 had?  
24 A I think a year ago.  
25 Q And what was your previous salary?

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8  
9 I, JAE HO CHO, do hereby declare under  
10 penalty of perjury that I have read the foregoing  
11 transcript of my deposition; that I have made such  
12 corrections as noted herein, in ink, initialed by me,  
13 or attached hereto; that my testimony as contained  
14 herein, as corrected, is true and correct.  
15 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
16 19\_\_, at \_\_\_\_\_, \_\_\_\_\_.  
17 (City) (State)  
18  
19  
20 JAE HO CHO  
21 Volume III  
22  
23  
24  
25

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KANG V.  
U. LIM AMERICA

JAE HO CHO, VOL 3  
02/01/00

1 I think. I can't -- I'm not sure.  
2 MR. BATTENFELD: You don't want to --  
3 THE WITNESS: I'm not sure. I'm not sure.  
4 BY MR. GREY:  
5 Q Well, you have access to that computer;  
6 correct?  
7 A Yes.  
8 Q And you review those payroll records from  
9 time to time; correct?  
10 A Back to '97 and '96. That's the time,  
11 yes.  
12 Q And you are currently the general manager  
13 of the company?  
14 A Correct.  
15 Q Are you aware of those records ever being  
16 destroyed at any time?  
17 A I don't think so.  
18 Q And isn't it true that the payroll  
19 records for the U. Lim Mexico employees show the  
20 amount of overtime they work?  
21 A I would say that, yes. We only do two  
22 hours of overtime, so --  
23 Q Well, there were additional shifts.  
24 There was an 8:00 to 10:00 shift, and there were  
25 additional shifts beyond that.

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1 A There were very few. Maybe a month or  
2 two.  
3 Q But those records would show that  
4 overtime; correct?  
5 A I would say yeah, but -- yeah.  
6 MR. BATTENFELD: Again remember if you know as  
7 a fact that they do, then your answer should be yes.  
8 If you are assuming that they do, then you are  
9 speculating. So you need to clarify which is your  
10 testimony.  
11 THE WITNESS: Well, I haven't really searched  
12 to see if there were those documents, so I can't be  
13 really clear to tell you if we do have it or not.  
14 BY MR. GREY:  
15 Q The Mexican employees or the employees of  
16 U. Lim Mexico received some profit sharing; correct?  
17 A There were times they did receive profit  
18 sharing, yes.  
19 Q And that's mandated by Mexican law;  
20 correct?  
21 A Yeah. If there was a profit -- if there  
22 was a profit, yes. We are supposed to give out  
23 profit, yes.  
24 Q Now, was any profit sharing done with  
25 respect to U. Lim America?

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1 A No. There was not.  
2 Q So it's your understanding that the  
3 Mexican laws relating to mandating a profit sharing  
4 did not apply to U. Lim America?  
5 A That's correct.  
6 MR. BATTENFELD: Calls for a legal conclusion.  
7 BY MR. GREY:  
8 Q Are you aware of any reason why profit  
9 sharing wasn't instituted for U. Lim America?  
10 A Never was mentioned.  
11 Q During the course of Mr. Kang's  
12 employment, were bonuses ever given out by U. Lim  
13 America?  
14 A I think there was, yes. Once there was,  
15 yes.  
16 Q And what was the purpose of those  
17 bonuses?  
18 A We achieved a goal. I think we -- yeah.  
19 We achieved a goal, and that's why in December we got  
20 a Christmas bonus.  
21 Q Are you aware of why Ki Hwa Yoon became  
22 more involved in the business activities of U. Lim  
23 America in approximately 1998?  
24 A Didn't he say 1999?  
25 Q Correct me if I'm wrong.

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1 A I think 1999, December or November. I  
2 think that's what he said.  
3 Q Did you notice a marked increase in his  
4 involvement in U. Lim America?  
5 A No.  
6 Q Did you notice any increase in his  
7 involvement with respect to U. Lim America?  
8 A No.  
9 Q So when he testified that he became more  
10 involved with U. Lim America, you haven't noticed  
11 that?  
12 A Increase in business because of his  
13 involvement?  
14 Q No, no. Increase in his involvement in  
15 the business.  
16 MR. BATTENFELD: The question is did you notice  
17 that he was more involved in the business or not. I  
18 believe that's the question.  
19 MR. GREY: Yes.  
20 THE WITNESS: Okay. Well, it's mainly Mr. Tae  
21 Jin Yoon the one who is in charge of Mexico. And when  
22 Mr. -- I think when Mr. Ki Hwa Yoon said he was more  
23 involved, he wanted to know more about Mexico and how  
24 the operation was. I think that's what he was telling  
25 you at that time.

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KANG V.  
U. LIM AMERICA

JAE HO CHO, VOL 3  
02/01/00

1 A I would say maybe 40 percent.  
2 Q Now, who else was responsible for making  
3 deliveries other than yourself?  
4 A Everybody had responsibilities in  
5 delivering materials. All the departments do.  
6 Q And when you say "everybody," who  
7 specifically is "everybody"?  
8 A The Mexican drivers, each department head  
9 because sometimes if I'm not there, they would take  
10 the responsibility to deliver the material or have the  
11 drivers take the material. Cause like I said, I was  
12 in marketing, too. So sometimes I'd be out in the  
13 field, you know, with customers or on business trips.  
14 Q When you referred to department heads,  
15 you are referring to Mr. Fark and Mr. Kang  
16 specifically?  
17 A Correct.  
18 Q Did you have any permanent driver for  
19 delivery?  
20 A Off and on.  
21 Q Was there a vehicle for each delivery  
22 other than your own?  
23 A The truck wasn't mine. It was the  
24 company's truck.  
25 Q The truck that you were driving, you

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1 would regularly drive it to and from work?  
2 A That's correct.  
3 Q Was there another vehicle other than the  
4 one you would regularly have used?  
5 A Yeah. I think we had a van.  
6 Q And in 1995, approximately how many  
7 deliveries a week would U. Lim have?  
8 A I can't -- I can't -- I can't remember.  
9 It could be -- I can't remember.  
10 Q Well, it's producing goods on a daily  
11 basis?  
12 A Correct.  
13 Q And then you have to prepare those for  
14 shipment even if you are delivering them yourselves?  
15 A Yeah. But it all varies because the  
16 P.O.s are all different dates, and I can't  
17 specifically tell you how many days we delivered a  
18 week. I mean it could be one time. Next week could  
19 be two times. I can't tell you.  
20 Q Again we are just going to get into your  
21 best estimates. Was U. Lim delivering goods to  
22 someone once a day, once a week? Your best estimate.  
23 A Maybe three -- three to four times a  
24 week.  
25 Q Was there any specific location that U.

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1 Lim would be typically delivering to or a customer  
2 that was the majority customer?  
3 A I would say Samsung was.  
4 Q And where were they located?  
5 A Maybe -- at that time maybe 20 minutes  
6 away.  
7 Q And who was your second biggest customer?  
8 A In '95?  
9 Q Yeah.  
10 A I would say Sanyo would be.  
11 Q And where were they located?  
12 A About ten minutes away.  
13 Q And how long did they remain your number  
14 one, number two customers?  
15 A To current.  
16 Q Now, also the name of L.G. --  
17 A L.G. -- I don't think we had their  
18 account until '97 -- '97. If you had me brought my  
19 profile, I could explain to you how they stand, but I  
20 don't have that profile in front of me.  
21 Q And where was L.G. located? In Mexicali?  
22 A In Mexicali. That's right.  
23 Q And how far away is Mexicali from U.  
24 Lim's facility?  
25 A Two hours.

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1 Q So approximately in 1995 how many hours a  
2 week would you say were devoted by you to deliver?  
3 A Majority of the time.  
4 Can you repeat that question again?  
5 Q Sure.  
6 In 1995, how many of the hours that you  
7 worked at U. Lim were devoted to deliver?  
8 A In a week or --  
9 Q In a week.  
10 A In a week?  
11 MR. BATTENFELD: I'll remind the witness not to  
12 guess.  
13 THE WITNESS: I can't give you an estimate  
14 cause I'm all over.  
15 BY MR. GREY:  
16 Q Well, as a percentage of the hours that  
17 you worked, what's your best estimate?  
18 A It varies. I mean I can't pinpoint out.  
19 Q I know. I'm sure it's going to vary from  
20 week to week, but again you made the deliveries. They  
21 were part of your work. You delivered the majority of  
22 goods for U. Lim. It obviously took some time to do,  
23 and you went through all of that. So what's your best  
24 estimate of either the number of hours in a week or a  
25 monthly basis that you had to deliver?

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KANG V.  
U. LIM AMERICA

JAE HO CHO, VOL 3  
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1 in sales?  
2 A That's correct. Yes.  
3 Q So there was some correlation between the  
4 managers and specifically Mr. Kang having to work  
5 longer hours as the sales increased?  
6 A Like I said before, I mean we do receive  
7 a lot of materials assembled and half assembled, and  
8 there is not that much production needed to increase  
9 because of that. Or maybe the purchasing department  
10 had a lot of things to order from Korea. Maybe, you  
11 know. Like I said, one to two hours.  
12 Q But there was an increase?  
13 A One to two hours, yes.  
14 Q Correlating to the sales?  
15 MR. BATTENFELD: Well, objection, misstates his  
16 testimony.  
17 THE WITNESS: Like I said -- what I said. I  
18 mean because of the raw materials and the materials  
19 that we get, it's just -- you know, our production  
20 does not need to increase because of that.  
21 BY MR. GREY:  
22 Q Was there ever a point in time  
23 approximately around December of 1998 that Mr. Kang's  
24 overtime began to -- or hours worked beyond 5:30 began  
25 to increase?

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1 going to work past 5:30?  
2 A Yes, there was.  
3 Q And when was that?  
4 A I think maybe starting January of '98.  
5 Q And what did he say to you?  
6 A He had a meeting with his family. They  
7 discussed if there was no work needed to be done, he  
8 would not come to work.  
9 Q Was there -- and this conversation you  
10 had with Mr. Kang was in January of '98?  
11 A Approximately, yes.  
12 Q And what else do you remember about that  
13 conversation?  
14 A I think I told him how could you discuss  
15 working hours and, you know, business matters with  
16 your family and making a decision on that.  
17 Q And did he have any response?  
18 A I can't remember. I can't remember.  
19 Q Do you remember anything else from that  
20 conversation?  
21 A No, I don't.  
22 Q Was anybody else present for that  
23 conversation?  
24 A No. It was just me and Kang, I think.  
25 Q And this was the first time that you

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1 MR. BATTENFELD: You mean December '97?  
2 MR. GREY: I'm sorry. December '97.  
3 THE WITNESS: Yeah. Like I stated last time,  
4 we had a -- I mean a huge order of P.O.s and things  
5 that we had to deliver on time that we did stay longer  
6 hours, yes.  
7 BY MR. GREY:  
8 Q December of '97?  
9 A Correct.  
10 Q And that would have included you,  
11 Mr. Park, and Mr. Kang?  
12 A Correct. And Mr. Yoon, too, at the time.  
13 Well, no. I can't remember. No. Strike that.  
14 Q Were you referring to Tae Jin Yoon at  
15 that moment?  
16 A Yeah.  
17 Q Tae Jin Yoon?  
18 A Yes.  
19 MR. BATTENFELD: But you said strike that.  
20 THE WITNESS: Yeah.  
21 BY MR. GREY:  
22 Q But you are unsure?  
23 A Yes.  
24 Q Was there ever a point in time when  
25 Mr. Kang said anything to you about how he wasn't

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1 recall speaking to Mr. Kang about that topic; correct?  
2 A Yes.  
3 Q Did you have any other discussions with  
4 him prior to his termination date regarding his  
5 working of overtime? And I'm just using overtime now  
6 for time past 5:30.  
7 A I can't recall. I can't remember.  
8 Q Did you convey the content of this  
9 conversation to anyone else at U. Lim?  
10 A I can't recall.  
11 Q Well, specifically did you tell Mr. Tae  
12 Jin Yoon?  
13 A I don't think I did. I can't remember.  
14 Q Do you recall discussing with anyone at  
15 U. Lim Mr. Kang's supposed position of not working  
16 overtime?  
17 A I think maybe Mr. Park. I may have  
18 discussed that with Mr. Park cause Mr. Yoon was  
19 frequently out of the country on business trips.  
20 Q And in this conversation you believe you  
21 might have had with Mr. Park, what did you discuss?  
22 A The conversation that he told me that he  
23 had with his family and things, that he didn't want to  
24 work after 5:30. I think that's it.  
25 (Mr. Kang enters the deposition room.)

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U. LIM AMERICA

JAE HO CHO, VOL 3

02/01/00

1	UNITED STATES DISTRICT COURT	1	APPEARANCES:
2	SOUTHERN DISTRICT OF CALIFORNIA	2	For the Plaintiff:
3		3	LAW OFFICE OF RICHARD E. GREY
4	SOO CHEOL KANG, )		BY: RICHARD E. GREY
5	Plaintiff, )	4	Attorney at Law
6	vs. ) No. 99 CV659 JM	5	409 Camino Del Rio South, Suite 303
7	U. LIM AMERICA, INC.; TAE ) (RBB)	6	San Diego, California 92108
8	JIN YOON, an individual; and )		(619) 543-9300
9	DOES 1 to 100, )	7	For the Defendants:
10	Defendants. )	8	MORGAN, LEWIS & BOCKIUS
11		9	BY: JOHN S. BATTENFELD
12		10	Attorney at Law
13		11	300 South Grand Avenue, 22nd Floor
14		12	Los Angeles, California 90071
15	DEPOSITION OF JAE HO CHO	13	(213) 612-2500
16	San Diego, California	14	Also Present:
17	Tuesday, February 1, 2000	15	SOO CHEOL KANG (Where indicated.)
18	Volume III	16	TAE JIN YOON
19		17	
20		18	
21		19	
22		20	
23	Reported by:	21	
24	JESSICA E. MASSE	22	
25	CSR No. 9910	23	
	JOB No. 12376A	24	
		25	
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4	SOO CHEOL KANG, )		Volume III	
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7	U. LIM AMERICA, INC.; TAE ) (RBB)	6		
8	JIN YOON, an individual; and )	7		
9	DOES 1 to 100, )	8		
10	Defendants. )	9		
11		10		
12		11	EXHIBITS	
13		12	(None)	
14		13		
15	Deposition of JAE HO CHO, Volume	14		
16	III, taken on behalf of Plaintiff, at	15		
17	501 West Broadway, Suite 1300, San	16		
18	Diego, California, beginning at 9:43	17		
19	a.m. and ending at 10:37 a.m. on	18		
20	Tuesday, February 1, 2000, before	19		
21	JESSICA E. MASSE, Certified Shorthand	20		
22	Reporter No. 9910.	21		
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U. LIM AMERICA

KI HWA YOON  
01/12/00

1 employees to work ten Saturdays to make up for the  
2 days lost?  
3 THE INTERPRETER: I don't understand. Let me  
4 understand before I --  
5 BY MR. GREY:  
6 Q Isn't it true that U. Lim America  
7 requires the employees to work ten Saturdays to make  
8 up for the ten business days lost because of vacation?  
9 A I don't know anything about it. I do not  
10 know anything about it.  
11 Q Are you aware of U. Lim America sending  
12 its managers to workshops regularly during the  
13 Christmas break?  
14 A No.  
15 MR. BATTENFELD: I think there was a  
16 mistranslation of the last --  
17 MR. GREY: It was just workshops.  
18 THE WITNESS: To where?  
19 MR. GREY: To anywhere. If U. Lim America  
20 employees were sent to a workshop at any location  
21 during the Christmas break.  
22 THE WITNESS: Did you say they were sent to  
23 workshops for two weeks?  
24 BY MR. GREY:  
25 Q During the Christmas break, were they

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1 sent to workshops?  
2 A I think after Christmas they go. I don't  
3 know.  
4 Q Do you know where those workshops are  
5 held?  
6 A In Korea.  
7 Q Do you know how long those workshops last  
8 for?  
9 A Like one night and two days.  
10 Q How long have you been in the United  
11 States on this last trip?  
12 THE INTERPRETER: This trip or last trip?  
13 MR. GREY: This trip right now.  
14 THE WITNESS: I think more than one month and a  
15 half.  
16 BY MR. GREY:  
17 Q And you share the same house as Tae Jin  
18 Yoon; correct?  
19 A Yes. When he goes to Korea -- I mean we  
20 always on and off live together.  
21 Q The Westview Court address, does Tae Jin  
22 Yoon also live at that address?  
23 A Yes.  
24 Q Okay. And that's where you've been for  
25 the last month and a half; correct?

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1 A Yes. And I travel to here and there,  
2 too.  
3 Q Okay. And before that, where were you?  
4 A Korea.  
5 Q And how long were you in Korea?  
6 A Mainly usually most time I stay in Korea.  
7 Q I'm just wondering how long you were in  
8 Korea before you came back to the U.S. on this trip.  
9 MR. BATTENFELD: Richard, what's the relevance  
10 of this question?  
11 MR. GREY: I will get to the relevance.  
12 MR. BATTENFELD: Well, I'd like to know because  
13 this is all post Kang's employment.  
14 MR. GREY: I will get to the relevance of this.  
15 Q How long were you in Korea?  
16 A About two months and a half.  
17 Q And before that, were you back in the  
18 U.S.?  
19 A Yes.  
20 Q Okay. And on that trip, how long were  
21 you in the U.S.?  
22 A About two months.  
23 Q Now, this last trip that you've been here  
24 for a month and a half, has Tae Jin Yoon also been in  
25 the house the last month and a half?

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1 A No. He is in Korea.  
2 Q During the last six months, how long has  
3 Tae Jin Yoon been in the United States?  
4 A For six months?  
5 Q During the last six months.  
6 A I don't know exactly. I think he stayed  
7 quite long.  
8 Q Has there ever been occasion while you've  
9 been at the Westview address on this trip or the last  
10 trip that Tae Jin Yoon has been at the last address as  
11 well?  
12 A Just off and on. When he comes, he stays  
13 only a few days. Mainly he is in Korea.  
14 Q But he has been at that Westview address  
15 for some of the time while you've been at it on the  
16 last two trips; correct?  
17 A Yes.  
18 Q Okay. And during the last two times that  
19 you've been out to the U.S., have you ever talked to  
20 Tae Jin Yoon about Mr. Kang's litigation?  
21 A No.  
22 Q In the last six months, have you ever  
23 talked to Tae Jin Yoon at all about Mr. Kang's  
24 litigation?  
25 A No.

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KANG V.  
U. LIM AMERICA

KI HWA YOON  
01/12/00

1 Q Okay. I'm not asking whether other  
2 people can sign checks. I'm just asking whether or  
3 not if you sign a check and only your signature is  
4 present, is that check good?  
5 A Yes, it is.  
6 Q Okay. And at some point in time, Mr. Cho  
7 and You Sik Yoon could write checks for U. Lim  
8 America; correct?  
9 A Yes.  
10 Q Okay. But both of their signatures were  
11 required?  
12 A Yes. Together.  
13 Q And at one point in time just like you,  
14 Tae Jin Yoon could write checks with just his  
15 signature, correct, for U. Lim America?  
16 A Yes.  
17 Q Okay. And as you indicated, at some  
18 point he no longer had that check-writing ability;  
19 correct?  
20 A Yes. Because he was frequently absent  
21 for other business activities.  
22 Q Why did you take his name off completely  
23 from the check-writing ability?  
24 A He's absent because he travels frequently  
25 due to the business.

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1 who could sign checks; correct?  
2 A Yes, it is.  
3 Q Okay. But just like Tae Jin Yoon, you  
4 were frequently away from U. Lim America either in  
5 Korea or on business trips; correct?  
6 A Yes, yes.  
7 Q Okay. And you still have check-writing  
8 ability; correct?  
9 A Yes.  
10 Q Why didn't you keep check-writing ability  
11 for Tae Jin Yoon just like you?  
12 A Europe or Hungary -- we are constructing  
13 a factory. That's why we took him out. That has been  
14 transferred to there or this side.  
15 Q Did you ever bring over a Mr. Lee to  
16 conduct an audit of U. Lim's records -- financial  
17 records?  
18 A I don't think so.  
19 Q Do you know Mr. Lee?  
20 A You mean main -- the company in Chinese?  
21 Q Mr. Lee that works for you.  
22 A I don't know which one you are talking  
23 about.  
24 Q Is there a Mr. Lee who works in  
25 accounting or financial services for your company?

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1 Q Okay. But he's the president of the  
2 company still; correct?  
3 MR. BATTENFELD: Of U. Lim America?  
4 MR. GREY: I'm sorry. Vice-president.  
5 THE WITNESS: Vice-president.  
6 BY MR. GREY:  
7 Q And he is president of U. Lim Mexico?  
8 A Yes.  
9 Q And he has check-writing authority for  
10 neither U. Lim Mexico nor U. Lim America; is that  
11 correct?  
12 A Yes.  
13 Q Okay. And he still is conducting  
14 business for both U. Lim Mexico and U. Lim America;  
15 correct?  
16 A Yes.  
17 Q Okay. Then why did you take his name off  
18 the checks even if you had a need for Mr. Cho or  
19 Mr. Yoon to be able to sign checks?  
20 A Cannot work because he is absent due to  
21 the business.  
22 Q Okay. I understand that Mr. Cho and  
23 Mr. You Sik Yoon are present at the facility; correct?  
24 A Mr. Park also can sign.  
25 Q Okay. And you wanted people at the plant

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1 A What is his name?  
2 Q Mr. Lee, L-e-e.  
3 A The name?  
4 THE INTERPRETER: This is my comment. Mr. Lee,  
5 Johnson, Smith. Everybody is Mr. Lee in Korea.  
6 BY MR. GREY:  
7 Q I believe Mr. Cho testified that a  
8 Mr. Lee came over from Korea to conduct an audit. Are  
9 you familiar with that?  
10 MR. BATTENFELD: That misstates Mr. Cho's  
11 testimony. I will state for the record that Mr. Cho  
12 did not give that testimony.  
13 BY MR. GREY:  
14 Q Are you aware of Mr. Lee coming to audit  
15 any of the records?  
16 A Mr. Lee didn't come here to do audit.  
17 Mr. Lee came to tour the facilities with me. He came  
18 with me.  
19 (Recess taken from 5:03 p.m. to 5:07  
20 p.m.)  
21 BY MR. GREY:  
22 Q Did you ever conduct any investigation  
23 into whether or not U. Lim America was missing any  
24 funds?  
25 MR. BATTENFELD: And I'm going to object to the

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KANG V.  
U. LIM AMERICA

KI HWA YOON  
01/12/00

1 responding. If you don't trust what I say, you don't  
2 even have to waste our time here.  
3 MR. BATTENFELD: Let's take a break. Let's  
4 take a break.  
5 MR. GREY: Let me just know one thing. I am  
6 not saying that you are lying. I am trying to  
7 understand you, and you appear to be trying to  
8 understand me, and I just want to get your accurate  
9 testimony, and that's all we are trying to do. Do you  
10 understand?  
11 THE WITNESS: The American talking the way,  
12 very hard to understand.  
13 MR. BATTENFELD: There is no question pending.  
14 Let's take a break so we can talk to the witness, and  
15 we'll try to get back on this straight path here.  
16 MR. GREY: We'll try again in a couple of  
17 minutes.  
18 (Recess taken from 4:31 p.m. to 4:40  
19 p.m.)  
20 BY MR. GREY:  
21 Q You've had an opportunity to meet with  
22 counsel and your general manager Mr. Cho; correct?  
23 A Yes.  
24 Q And what we are going to try is to get  
25 through this and make sure that both of us are

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1 understanding what we are saying.  
2 A Yes.  
3 Q And you are giving your testimony here  
4 today, and you understand what testifying means;  
5 correct?  
6 A Yes.  
7 Q Okay. But you have not filed a lawsuit;  
8 correct?  
9 A Yes.  
10 Q But yet you are still a witness and  
11 testifying?  
12 A Yes.  
13 Q Okay. In Mr. Cheong's case, he has filed  
14 a lawsuit and is a witness.  
15 A Yes.  
16 Q Do you understand that?  
17 A Yes.  
18 Q And in his case, he has some allegations  
19 similar to Mr. Kang and some different. And as I  
20 understand, at some point in time Mr. Cho informed you  
21 that Mr. Cheong would either be testifying for  
22 Mr. Kang or had filed his own lawsuit.  
23 A I was told that he filed a lawsuit. I  
24 understood -- I heard and understood as that. Whether  
25 I was aware he had filed lawsuit or not, I didn't

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1 think about Kang testifying.  
2 Q Did you think about Mr. Cheong  
3 testifying?  
4 THE INTERPRETER: Would you repeat that?  
5 BY MR. GREY:  
6 Q Did you think about Mr. Cheong  
7 testifying?  
8 A Now I understand. Now I understand what  
9 it is.  
10 Q Did you have any concern over the fact  
11 that Mr. Cheong may testify on behalf of Mr. Kang?  
12 A No.  
13 Q Did Mr. Cho ever use the term "witness"  
14 for Mr. Kang, that he might be a witness for Mr. Kang?  
15 A Yes, yes. Yes.  
16 Q Okay. And to the extent that he was  
17 going to be a witness, did Mr. Cho tell you what he  
18 was going to be a witness about?  
19 A No. I didn't hear the detail.  
20 Q Now, before the break you mentioned the  
21 fact that you were disgusted. Were you disgusted by  
22 Mr. Kang filing a lawsuit?  
23 A What are you asking?  
24 Q Were you disgusted by the fact that  
25 Mr. Kang filed a lawsuit against U. Lim?

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1 A With whom?  
2 Q Were you disgusted by the fact that  
3 Mr. Kang filed a lawsuit against U. Lim?  
4 A I didn't feel good about it.  
5 MR. BATTENFELD: Mr. Cho believes that the  
6 initial testimony he gave was I didn't feel good  
7 rather than he was disgusted. He believes that was  
8 the original word used by the witness.  
9 BY MR. GREY:  
10 Q Why didn't you feel good about Mr. Kang's  
11 lawsuit?  
12 THE INTERPRETER: Mr. Kang's lawsuit?  
13 MR. GREY: Yes.  
14 THE WITNESS: I think just the human nature.  
15 When you like somebody, it happens. I think it's not  
16 just I alone. Other people would feel the same way.  
17 BY MR. GREY:  
18 Q Did U. Lim America have any policy with  
19 respect to Korean employees working at U. Lim who did  
20 not have U.S. citizenship specifically with respect to  
21 visas?  
22 THE INTERPRETER: Would you repeat that? I  
23 don't want to mistranslate.  
24 MR. GREY: Oh, I wish I wouldn't have to. Let  
25 me try to rephrase.

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KANG V.  
U. LIM AMERICA

KI HWA YOON  
01/12/00

1 A I don't understand your question.  
2 Q Did you ever talk to Mr. Cho or anyone  
3 else at U. Lim on whether or not Mr. Carillo was going  
4 to testify in this case?  
5 THE INTERPRETER: Let me have the spelling of  
6 Carillo cause he understands as Raul. So if I don't  
7 have correct spelling, I don't want to create any  
8 confusion here. Would you let me have spelling of  
9 Mr. Carillo?  
10 MR. GREY: C-a-r-i-l, double, l-o.  
11 THE INTERPRETER: C-a-r-i- --  
12 MR. GREY: Double l-o.  
13 THE INTERPRETER: Double "O"?  
14 MR. GREY: C-a-r-i-l-l-o.  
15 THE INTERPRETER: Can I just say Raul, then?  
16 MR. GREY: We can refer to him as Raul.  
17 Q You know Raul Carillo; correct? You  
18 testified to that.  
19 A I only know Raul.  
20 Q Okay. We'll refer to him as Raul, then.  
21 Do you remember the question?  
22 THE INTERPRETER: Yeah.  
23 THE WITNESS: I don't remember.  
24 BY MR. GREY:  
25 Q You don't remember whether or not you

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1 was going to testify in Mr. Kang's case on his behalf?  
2 THE INTERPRETER: On whose behalf?  
3 MR. GREY: Mr. Kang's.  
4 THE WITNESS: Yes. I heard from Jae when he  
5 was driving.  
6 BY MR. GREY:  
7 Q When was that?  
8 A I can't recall. I think it's been a  
9 while ago.  
10 Q Okay. Your best estimate.  
11 A I don't know. I cannot think right now.  
12 I may have heard.  
13 Q And what did Mr. Cho tell you about  
14 Mr. Cheong?  
15 A I think I heard that Soo Cheol Kang filed  
16 lawsuit.  
17 Q Did you hear that Mr. Cheong was going to  
18 testify for Mr. Kang?  
19 A Yes, yes.  
20 (Telephonic interruption.)  
21 BY MR. GREY:  
22 Q Now, you testified that Mr. Cho told you  
23 that Mr. Cheong was going to testify for Mr. Kang;  
24 correct?  
25 A Yes.

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1 ever spoke to Mr. Cho or anyone at U. Lim with respect  
2 to whether or not Raul was going to testify in this  
3 case?  
4 A I don't know.  
5 Q Do you know who Bo Won Cheong is?  
6 A Yes.  
7 Q And who is Bo Won Cheong or what position  
8 did he hold at U. Lim?  
9 A Supervisor. The position was supervisor.  
10 MR. BATTENFELD: Mr. Cho believes he used the  
11 word assistant manager, but --  
12 MR. GREY: We'll have you clarify.  
13 THE WITNESS: Assistant manager.  
14 BY MR. GREY:  
15 Q Did you know Mr. Cheong personally?  
16 A Yes.  
17 Q Have you ever had occasion to meet with  
18 Mr. Cheong at your house?  
19 A At my house?  
20 Q At your house in the U.S.  
21 A My house? When I come, they usually come  
22 to greet me.  
23 Q At your house?  
24 A Yes.  
25 Q Did you ever become aware that Mr. Cheong

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1 Q And what did he tell you Mr. Cheong was  
2 going to testify about?  
3 MR. BATTENFELD: And I'll object to the  
4 question. That assumes that Mr. Cho told him anything  
5 at that time.  
6 BY MR. GREY:  
7 Q Do you understand the question?  
8 A I don't.  
9 Q Mr. Cho told you Mr. Cheong was going to  
10 testify; correct?  
11 A I think I heard that lawsuit has been  
12 filed.  
13 Q We were just talking about the fact that  
14 Mr. Cho informed you that Mr. Cheong was going to  
15 testify on Mr. Kang's behalf. Remember?  
16 A No. It's not on behalf of Mr. Kang. I  
17 think together they filed lawsuit.  
18 Q Did Mr. Cho ever tell you what Mr. Cheong  
19 was going to testify to?  
20 A I think -- I think when I heard from him,  
21 I didn't make any comment because it was so  
22 disgusting.  
23 Q Why was it so disgusting?  
24 A Because the people we had filing  
25 lawsuits.

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KANG V.  
U. LIM AMERICA

KI HWA YOON  
01/12/00

1 A Yes.  
2 Q So ultimately, then, Mr. Kang was your  
3 employee; correct?  
4 A Yes.  
5 Q And you said it was your personal belief  
6 that you should always have love towards your  
7 employees; correct?  
8 A Would you repeat it?  
9 Q You said it was your personal belief that  
10 you should always have love towards your employees;  
11 correct?  
12 A Yes, I do.  
13 Q With that in mind, are you upset that  
14 Mr. Kang left his employment with your company?  
15 A What do you mean?  
16 Q Well, with that in mind that you have  
17 love for your employees, are you upset that Mr. Kang  
18 left employment with your company?  
19 A I feel more like sad about it.  
20 Q Have you done anything to figure out the  
21 reason why Mr. Kang left employment with your company?  
22 A No.  
23 Q Why not?  
24 A There is -- the president is there.  
25 Q Are you concerned that there may have

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1 THE WITNESS: I don't think I can answer for  
2 that since I don't understand the question.  
3 BY MR. GREY:  
4 Q Well, you are the head of the business;  
5 correct?  
6 A Yes, it is.  
7 Q And one of those businesses is U. Lim  
8 America; correct?  
9 A Yes.  
10 Q And there is nobody above you; correct?  
11 A Yes.  
12 Q And ultimately everybody reports to you  
13 either directly or through their superiors like  
14 Mr. Cho or Tae Jin Yoon; correct?  
15 MR. BATTENFELD: And I'll object that the  
16 question is ambiguous.  
17 MR. GREY: You can answer.  
18 THE WITNESS: Why do they report to me? They  
19 have their own president.  
20 BY MR. GREY:  
21 Q Well, they report to the president;  
22 correct?  
23 A Who?  
24 Q The employees.  
25 A I don't understand that question. What

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1 been difficulties between Mr. Kang and the president?  
2 A I don't understand your question.  
3 Q Well, are you bothered or worried that  
4 there may have been problems between Mr. Kang and Tae  
5 Jin Yoon?  
6 A No.  
7 Q Why not?  
8 A Cause I didn't know what happened.  
9 Q Well, you are the owner of the company;  
10 correct?  
11 A Yes.  
12 Q And ultimately everything that happens at  
13 the company is your responsibility; correct?  
14 MR. BATTENFELD: Go ahead and ask the question,  
15 and I'll make an objection -- translate the question.  
16 And I'll object that the question is argumentative and  
17 calls for a legal conclusion.  
18 MR. GREY: You can answer.  
19 THE WITNESS: Would you repeat what you said?  
20 I don't understand that at all.  
21 BY MR. GREY:  
22 Q Ultimately as the head of the company and  
23 nobody else is above you, you are responsible for what  
24 happens in your company; correct?  
25 MR. BATTENFELD: Same objection.

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1 are you asking about the company?  
2 Q You are the head of U. Lim America;  
3 correct?  
4 A Yes.  
5 Q And there is nobody above you?  
6 A Yes.  
7 Q Okay. And ultimately everybody at U. Lim  
8 America is below you; correct?  
9 A Yes.  
10 Q And they report to you either directly or  
11 indirectly; correct?  
12 MR. BATTENFELD: And I'll object that the  
13 question is ambiguous and misstates prior testimony.  
14 THE WITNESS: There are things that they report  
15 to me. There are things that they don't report to me.  
16 BY MR. GREY:  
17 Q Okay. But if Mr. Cho has an assistant  
18 manager, that assistant manager reports to Mr. Cho;  
19 correct?  
20 A Should be.  
21 Q And Mr. Cho reports to Tae Jin Yoon;  
22 correct?  
23 A Yes. Should be.  
24 Q And Tae Jin Yoon reports to you; correct?  
25 A There are things to report or there are

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KANG V.  
U. LIM AMERICA

KI HWA YOON  
01/12/00

1 BY MR. GREY:  
2 Q Do you know whether or not Raul Carillo  
3 was terminated?  
4 THE INTERPRETER: I don't want to make any  
5 mistake. Can you use terminate in a different way?  
6 MR. GREY: Sure. Fired or cut off.  
7 THE WITNESS: Should I talk about Raul here?  
8 MR. GREY: Yes.  
9 THE WITNESS: Raul -- he left the position. He  
10 was not terminated or fired, but he was -- he  
11 misunderstood that somebody was talking to him, didn't  
12 understand Spanish very well, so he misunderstood, so  
13 he thought he was terminated.  
14 BY MR. GREY:  
15 Q And you are saying he was not terminated?  
16 A It's correct.  
17 Q Who was it that he misunderstood?  
18 A The assistant manager. Park misspoke.  
19 Q What is it that Mr. Park said that gave  
20 Raul Carillo the impression he was fired?  
21 A It was regarding the automobile.  
22 Q What specifically was it?  
23 A I think when I was asking Mr. Park to  
24 wash the car in Mexico, and he misunderstood, so he  
25 thought -- he said -- thought I told him that he

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1 in the testimony that Raul Carillo thought -- thought  
2 he was fired because Mr. Park misspoke.  
3 MR. BATTENFELD: And for the record, I believe  
4 there may have been a problem with translation.  
5 THE WITNESS: No, it was not. I didn't say  
6 that. He misspoke, so he misunderstood, so he didn't  
7 like what he heard which was the misunderstanding.  
8 That's why he left.  
9 BY MR. GREY:  
10 Q Was the only misunderstanding whether or  
11 not Raul Carillo was supposed to wash the car?  
12 A Yes, yes. I instructed China and our  
13 company don't fire anybody, don't terminate anybody.  
14 MR. BATTENFELD: I'm going to remind the  
15 witness to answer the question that he's been asked.  
16 Could you please translate answer the question that's  
17 pending. That's what you are here to do. Nothing  
18 more.  
19 MR. GREY: Complete the translation of Mr. Ki  
20 Hwa Yoon.  
21 THE WITNESS: I instructed including China our  
22 company will not terminate anyone.  
23 BY MR. GREY:  
24 Q When you say it was your instruction to  
25 the company not to terminate anyone, what did you do

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1 should get Mexican to go with. He thought I was  
2 asking to call Mexican to wash the car there. So I  
3 think he misunderstood that he was asked to wash the  
4 car.  
5 Q Who was asked to wash the car can't be  
6 misinterpreted as firing Raul Carillo. What was it  
7 specifically that Mr. Park said that you believe was  
8 misinterpreted by Raul Carillo to mean that he was  
9 fired?  
10 A He said he was quitting because he didn't  
11 like that he was told to wash the car. That was  
12 misunderstanding.  
13 Q Were there any specific words Mr. Park  
14 used -- I'm talking about Mr. Park now -- that caused  
15 Mr. Carillo to believe that he was being terminated?  
16 A He was not fired. No, not at all.  
17 Q I believe your earlier testimony was that  
18 Raul thought he had been fired, and that Mr. Park had  
19 misspoken; is that correct?  
20 MR. BATTENFELD: And I'll object that that  
21 misstates the witness' testimony.  
22 THE WITNESS: What are you saying? I never  
23 said terminated or fired. He was not fired.  
24 BY MR. GREY:  
25 Q I thought you said at one point earlier

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1 with employees that you thought were not good  
2 employees?  
3 A And I tell them that it's not -- with no  
4 condition I tell them that first you don't hire  
5 somebody like that and do not even terminate. From  
6 beginning I always tell them to identify good one and  
7 hire.  
8 Q But no one is perfect, and you are not  
9 going to identify all the good ones; correct?  
10 A I don't think there is any bad person.  
11 If you teach them, if you train them, they are okay.  
12 Q Well, is it your testimony, then, that  
13 you never had an occasion either personally or through  
14 one of your subordinates to fire or cut off one of  
15 your employees?  
16 MR. BATTENFELD: And I'm going to object to the  
17 question as calling for speculation, asking for  
18 situations beyond this witness' knowledge.  
19 MR. GREY: To the extent he knows.  
20 THE WITNESS: I instruct to the president of  
21 each entity to do so, and they do their own, so that  
22 is beyond of what I know.  
23 BY MR. GREY:  
24 Q And you instructed the president of each  
25 entity never to terminate an employee?

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KANG V.  
U. LIM AMERICA

KI HWA YOON  
01/12/00

1 Sik Yoon whether or not he observed Mr. Kang throw a  
2 battery at Mr. Cho?  
3 A No.  
4 Q You never had that conversation?  
5 A Yes.  
6 MR. BATTENFELD: Yes, he did not?  
7 THE INTERPRETER: Yes. But it's a linguistic  
8 problem.  
9 BY MR. GREY:  
10 Q Are you aware of any incident where  
11 Mr. Kang threw any object at Mr. Cho?  
12 A No.  
13 Q Did you ever indicate to anyone that you  
14 would spend \$100,000 to defeat Mr. Kang?  
15 A No.  
16 Q Have you ever asked that anyone  
17 investigate in your company Mr. Kang's allegations  
18 against your son?  
19 A No, no.  
20 Q Now, you indicated that for the first  
21 time here today you've learned of allegations that Tae  
22 Jin Yoon struck people with objects, kicked them,  
23 grabbed them and pulled them by the ear and yelled at  
24 them excessively. Having learned about those  
25 allegations, are you concerned about the allegations?

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1 MR. BATTENFELD: Are you finished? I object  
2 that the question is both completely irrelevant of any  
3 claim by Mr. Kang and ambiguous as to the phrase  
4 "concerned about."  
5 MR. GREY: You can answer.  
6 THE WITNESS: No.  
7 BY MR. GREY:  
8 Q You are not concerned?  
9 THE INTERPRETER: Let me -- would you -- the  
10 word "concern" can be translated in two different ways  
11 like concern, worrisome, or be bothered. There is no  
12 perfect word for me to translate "concern" into  
13 Korean.  
14 MR. GREY: It sounds appropriate to translate  
15 it with both words.  
16 THE INTERPRETER: All right. I did that.  
17 THE WITNESS: I don't think that way since I  
18 don't believe that he did.  
19 MR. BATTENFELD: I'm asking if he would like to  
20 take a break.  
21 THE WITNESS: Yes.  
22 (Recess taken from 2:50 p.m. to 3:02  
23 p.m.)  
24 BY MR. GREY:  
25 Q All the managers of U. Lim America were

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1 Korean; correct?  
2 A I think almost.  
3 Q Are you aware of any U. Lim America  
4 manager who was not Korean?  
5 A When you say non-Koreans, for instance,  
6 like U.S. citizens. There are some.  
7 Q In this context when I refer to Korean,  
8 I'm referring to Korean race or national origin  
9 regardless of citizenship. So in that context were  
10 all the managers of U. Lim America Korean?  
11 A It's different between America and  
12 Mexico.  
13 Q I'm talking about U. Lim America.  
14 A I think U. Lim America is all -- I think  
15 all of them are.  
16 Q Is there a reason why U. Lim America  
17 hired only Koreans as managers?  
18 A Americans are reluctant to come.  
19 Q Americans are reluctant to come?  
20 A They more like not willing to sit for  
21 employment. I think so.  
22 MR. BATTENFELD: I would ask the witness not to  
23 speculate, not to guess.  
24 BY MR. GREY:  
25 Q I'm asking you what you know as to the

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1 reasons why U. Lim America hired only Koreans.  
2 A I don't know. I don't know. The  
3 president did.  
4 Q When you said Americans are reluctant to  
5 come, are you referring to come to Mexico or come to  
6 the United States, slash, Mexico?  
7 A Mexico side. I think so.  
8 Q Why didn't you hire at U. Lim America any  
9 Mexican managers?  
10 A There are -- there are in U. Lim Mexico.  
11 Q I know that, but we are talking about U.  
12 Lim America now. Why didn't you hire any Mexican  
13 managers for U. Lim America?  
14 MR. BATTENFELD: I'm going to object to the  
15 question as assuming a fact that is not in evidence,  
16 i.e., that Mr. Yoon himself ever hired anyone to work  
17 for U. Lim America.  
18 MR. GREY: I'll rephrase it.  
19 Q Why didn't U. Lim America ever hire any  
20 Mexicans as managers for U. Lim America?  
21 MR. BATTENFELD: And I'll object to the  
22 question as calling for speculation and lacking  
23 foundation since the previous testimony was that  
24 Mr. Yoon wasn't involved in any hiring decisions.  
25 MR. GREY: You can answer.

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KANG V.  
U. LIM AMERICA

KI HWA YOON  
01/12/00

1 Q Did you ever observe your son on any  
2 occasion yelling at any of the U. Lim America  
3 employees?  
4 A No.  
5 Q Did anyone ever tell you about your son  
6 yelling at the U. Lim America employees?  
7 A No.  
8 Q Mr. Baek -- do you know who Mr. Baek is?  
9 A No.  
10 Q He was a former employee of U. Lim  
11 America.  
12 A No.  
13 Q No, he wasn't, or no, you just don't  
14 know?  
15 A I said I don't know.  
16 Q Okay. He and Mr. Kang testified that Tae  
17 Jin Yoon would hit Mr. Park on the head with a ruler.  
18 Are you aware of Tae Jin Yoon doing such things?  
19 A Would you repeat it?  
20 Q Mr. Baek, a former employee of U. Lim,  
21 and Mr. Kang testified that they frequently saw Tae  
22 Jin Yoon hit Mr. Park on the head with a ruler, and  
23 I'm asking you are you aware of this conduct by Tae  
24 Jin Yoon?  
25 THE INTERPRETER: Which one is the other

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1 A No. I don't think he did.  
2 Q The question was is this the first time  
3 you've heard of any allegations that Tae Jin Yoon  
4 struck Mr. Kang with a ruler?  
5 A Yes.  
6 Q Okay. And then I believe you indicated  
7 that you don't think he did; correct?  
8 A Yes.  
9 Q Why don't you think he did that?  
10 A I feel that he didn't do that because  
11 they are, you know, co-workers together. They are  
12 similar ages, and I don't think he did, and they were  
13 more like friends.  
14 Q Did anyone at U. Lim or U. Lim Korea ever  
15 tell you that Tae Jin Yoon was physically striking any  
16 of the employees at any time?  
17 A No.  
18 Q You would agree, would you not, that it  
19 is improper for Tae Jin Yoon to strike employees with  
20 rulers; correct?  
21 A Yes.  
22 Q Had you ever observed at any time Tae Jin  
23 Yoon grabbing other men by the ear and pulling them,  
24 grown men?  
25 A No.

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1 person?  
2 MR. GREY: Baek.  
3 THE WITNESS: No.  
4 BY MR. GREY:  
5 Q Does their testimony that he did this to  
6 Mr. Park surprise you?  
7 A Yes, it is.  
8 Q Do you have any reason to believe it's  
9 untrue?  
10 MR. BATTENFELD: I'll object that the question  
11 is argumentative and calls for speculation.  
12 MR. GREY: You can answer.  
13 THE WITNESS: I don't know.  
14 BY MR. GREY:  
15 Q Is it your testimony, then, that you  
16 simply don't know whether or not Tae Jin Yoon struck  
17 Mr. Park with a ruler at any time?  
18 A Of course I don't know. This is first  
19 time I am hearing.  
20 Q This is the first time you've heard of  
21 any allegations that Tae Jin Yoon struck Mr. Park with  
22 a ruler?  
23 A Yes.  
24 Q Have you ever heard of any allegations  
25 that Tae Jin Yoon struck Mr. Kang with a ruler?

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1 Q Now, Mr. Park testified to an occasion  
2 where Tae Jin Yoon grabbed him by the ear. Are you  
3 aware of that?  
4 MR. BATTENFELD: I'm going to object that the  
5 question misstates Mr. Park's testimony. Mr. Park's  
6 testimony was that on one occasion Mr. Yoon playfully  
7 pulled his ear. I want to make sure that's  
8 translated.  
9 THE INTERPRETER: Let me do Mr. Grey's and then  
10 both.  
11 MR. GREY: And I'll clarify.  
12 Q Are you aware of Tae Jin Yoon ever  
13 grabbing or pulling Mr. Park's ear?  
14 A No.  
15 Q Are you aware of Tae Jin Yoon having  
16 daily meetings with the managers of U. Lim America?  
17 A I don't know.  
18 Q Mr. Kang alleges that Tae Jin Yoon would  
19 frequently grab him and pull him by the ear. Do you  
20 have any information or knowledge as to those events?  
21 A No.  
22 Q Is the first time you've heard of those  
23 allegations here today?  
24 A I don't know whether there was allegation  
25 or not. This is first time I'm hearing through the

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KANG V.  
U. LIM AMERICA

KI HWA YOON  
01/12/00

1 Q But did they tell you why he was suing?  
2 A Who?  
3 Q Either Cho or Mr. Yoon.  
4 A Not -- not too long ago. Just recently  
5 they told me.  
6 Q And what did they tell you about  
7 Mr. Kang's lawsuit?  
8 A Like the lawsuit -- he sued.  
9 Q Did they tell you about his allegations  
10 in the lawsuit?  
11 A I didn't ask. I didn't ask.  
12 Q But did they tell you what his  
13 allegations were whether or not you asked?  
14 A No. It was not said anything. I didn't  
15 ask. The only thing I heard is that lawsuit has been  
16 filed.  
17 Q Now, you testified that Mr. Kang was your  
18 favorite. Weren't you concerned as to why Mr. Kang  
19 filed a lawsuit against U. Lim?  
20 A I don't think I discussed anything since  
21 I first asked. The people who worked for the company  
22 were handling since then. It's a company matter.  
23 Q And who specifically did you think would  
24 handle it?  
25 A Would you repeat it?

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1 Q Who specifically did you think would  
2 handle it for the company?  
3 A I heard that the president of the  
4 company, so, therefore, Tae Jin Yoon would handle it.  
5 I don't even know why I am here. I didn't even think  
6 that I would be here.  
7 Q Did you ever -- other than this -- well,  
8 strike that.  
9 When you were first informed of  
10 Mr. Kang's lawsuit, was that in person or over the  
11 phone?  
12 A I don't know whether it was a telephone  
13 or not.  
14 Q When is the next phone conversation or  
15 meeting you had with anyone concerning Mr. Kang's  
16 litigation?  
17 A I don't think I did.  
18 Q You obviously met with your attorney last  
19 night; correct?  
20 A Yes.  
21 Q And it was regarding this litigation;  
22 correct?  
23 A Yes.  
24 Q Okay. So that's one instance. I don't  
25 want to know what your conversation with your attorney

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1 is, but are there any other instances where you  
2 physically -- and let me clarify something cause this  
3 came up in the other deposition. When I use the term  
4 "meet," I use it both in a formal and in an informal  
5 sense of just two people or more coming together. Do  
6 you understand that?  
7 A With whom?  
8 Q I'm just defining "meeting" right now to  
9 be both formal meetings like business meetings and  
10 informal meetings between people. Do you understand  
11 that?  
12 A I don't know what you are talking about.  
13 Q I'll assume, then, you have no problem  
14 with the word "meeting."  
15 Have you met -- or have you had any  
16 conversations or communications with anyone concerning  
17 Mr. Kang's litigation after you were first informed of  
18 it by Mr. Cho or Mr. Yoon?  
19 A No.  
20 Q So let me just be clear. So other than  
21 the first meeting or conversation when you were  
22 informed of the litigation and meeting with  
23 Mr. Battenfeld yesterday for this deposition, you've  
24 never met or discussed with anybody Mr. Kang's  
25 litigation?

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1 A No.  
2 MR. BATTENFELD: Just for clarification, are  
3 you including any discussions he may have had about  
4 the scheduling of his deposition?  
5 MR. GREY: Well, I was including any  
6 discussions he had with this -- about this litigation.  
7 MR. BATTENFELD: By that you mean about things  
8 about the deposition or the substance of the  
9 litigation?  
10 MR. GREY: Why don't we include scheduling,  
11 too, just so we are comprehensive.  
12 THE INTERPRETER: Let me, then, repeat it.  
13 THE WITNESS: I was told by Jae -- Mr. Cho that  
14 I have to come here today. Then I was telling him  
15 that why should I -- why should I be there.  
16 BY MR. GREY:  
17 Q And did you have any discussions with  
18 Mr. Cho as to why you should be here?  
19 A I only heard from him that he said that I  
20 must be here.  
21 Q Other than the meeting or conversation  
22 where you were informed of Mr. Kang's lawsuit, the  
23 scheduling conversation over the deposition with  
24 Mr. Cho, and meeting with your attorney last evening,  
25 are there any other meetings or communications you've

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KANG V.  
U. LIM AMERICA

KI HWA YOON  
01/12/00

1 the company has to close down.  
2 Q I'm not talking about other companies  
3 now. I'm talking specifically about U. Lim Mexico,  
4 slash, U. Lim America. Do you know whether or not  
5 that production at that facility increased from the  
6 period of 1994 through the end of 1997?  
7 A Yes.  
8 Q Okay. What's your best estimate in terms  
9 of multiples that production increased from 1994 to  
10 the end of 1997?  
11 A That, I don't know.  
12 Q Do you have any estimate?  
13 MR. BATTENFELD: Objection, asked and answered.  
14 MR. GREY: You can answer.  
15 THE WITNESS: Would you repeat?  
16 BY MR. GREY:  
17 Q Do you have any estimate as to the  
18 increase in production from 1994 to the end of 1997?  
19 A No. I don't know.  
20 Q Mr. Yoon, when did you first become aware  
21 of the filing of the complaint by Mr. Kang against U.  
22 Lim America?  
23 MR. BATTENFELD: And I'll object to the  
24 question as ambiguous as to what you mean by "the  
25 complaint."

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1 A I don't know.  
2 Q Okay. Do you know whether or not he  
3 currently works at U. Lim?  
4 A Yeah. I heard later on from Jae.  
5 Q When is your best estimate of when  
6 Mr. Kang stopped working for U. Lim?  
7 A I cannot remember.  
8 Q But you indicated that the first time  
9 that you heard that Mr. Kang was no longer working at  
10 U. Lim, you were informed of this by Mr. Cho; correct?  
11 A I don't remember what that was from  
12 Mr. Cho or Mr. Yoon. I think I may have heard.  
13 Q Heard from where?  
14 A I don't know. I don't remember.  
15 Q And when you were informed of Mr. Kang no  
16 longer working at U. Lim, what were you informed of?  
17 A I think I was just told that he wasn't  
18 working, but I heard that -- after a while he stopped  
19 working, I heard about it.  
20 Q Were you told why he was not working?  
21 A I didn't pay attention too much about it.  
22 I usually don't like to see an employee leave the  
23 company. In my mind, I was thinking that I wished for  
24 him to stay longer. He was my favorite. I liked him  
25 very much. I liked him more than Jae.

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1 MR. GREY: I'll clarify.  
2 Q Did you ever become aware of Mr. Kang  
3 filing a claim for unemployment benefits?  
4 A No. I didn't know.  
5 Q As we sit here today, are you aware of  
6 whether or not Mr. Kang ever filed a claim of  
7 unemployment benefits related to his employment at U.  
8 Lim?  
9 A Would you repeat it?  
10 Q As we sit here today, your knowledge  
11 today, are you aware of whether or not Mr. Kang ever  
12 filed a claim for unemployment benefits relating to  
13 his employment at U. Lim?  
14 A I don't know.  
15 Q Do you know whether or not Mr. Kang ever  
16 received as we sit here today unemployment benefits  
17 relating to his unemployment -- or his employment at  
18 U. Lim?  
19 A No. Nothing to do with what I do.  
20 Q Does that mean you don't know?  
21 A No. I don't know.  
22 Q Okay. I'm going to represent to you that  
23 Mr. Kang was hired by U. Lim in April of 1994. Are  
24 you aware of when Mr. Kang ceased his employment at U.  
25 Lim?

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1 MR. BATTENFELD: I want to remind the witness  
2 to answer the question and not to go beyond answering  
3 the question.  
4 MR. GREY: Sorry, Jae.  
5 MR. BATTENFELD: Jae's going to have his  
6 feelings hurt.  
7 BY MR. GREY:  
8 Q And you had substantial dealings with  
9 Mr. Kang while he worked at U. Lim?  
10 A No, no.  
11 Q You indicated that Mr. Kang was your  
12 favorite. Did you find out why Mr. Kang ceased his  
13 employment with U. Lim?  
14 A I don't think I did.  
15 Q Well, at some point you received some  
16 information, didn't you, with respect to why Mr. Kang  
17 was no longer working at U. Lim?  
18 A I thought he left for a better place than  
19 our company.  
20 Q Who told you that, if anyone?  
21 A What?  
22 Q You said, "I thought he left for a better  
23 place than our company." I'm asking if anyone told  
24 you that.  
25 A No. I don't know whether Yoon told me or

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KANG V.  
U. LIM AMERICA

KI HWA YOON  
01/12/00

1 A I have to look for. I don't know.  
2 Q Do you know which facility they are kept  
3 at?  
4 A I assume that they have to go to CPA's  
5 office.  
6 Q You are talking about U. Lim America's  
7 CPA?  
8 A Yes.  
9 Q And I believe it was your testimony that  
10 for the period of 1994 through the end of 1997, you  
11 don't know whether or not U. Lim made a profit or not;  
12 is that correct?  
13 A I am assuming that when you have a  
14 profit, the business maintain. If you have loss, I  
15 don't think a business can maintain.  
16 Q Didn't you say that you thought that the  
17 business expenses were about equal to the profits? I  
18 thought you mentioned something to that effect.  
19 MR. BATTENFELD: I think you were asking about  
20 1994.  
21 THE WITNESS: Yes, yes.  
22 MR. GREY: Can he define what he means by  
23 "yes"?  
24 THE WITNESS: What are you saying?  
25 MR. GREY: Somehow I had a feeling we were

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1 Mr. Kang's employment ended in early February of 1998.  
2 And absent an offer of proof as to the relevance of  
3 that inquiry to Mr. Kang's case, I'll instruct the  
4 witness not to answer the question.  
5 THE WITNESS: I'd like to make this statement.  
6 MR. BATTENFELD: No. You are not going to make  
7 any statement. Hold on.  
8 THE WITNESS: The statement I made previously  
9 was to try to help you by disclosing the information  
10 to you which means I didn't have knowledge for the  
11 period that you are asking. It's not that I made that  
12 statement to encourage you to ask me some other  
13 additional questions.  
14 BY MR. GREY:  
15 Q Well, the question was what caused you to  
16 start to inquire into the business activities of U.  
17 Lim America in October of 1999?  
18 MR. BATTENFELD: And there is an objection to  
19 the question and an instruction not to answer.  
20 If you can, translate to the witness when  
21 I instruct him not to answer, that he doesn't say  
22 anything.  
23 MR. GREY: As to my offer of proof, the  
24 decision to begin inquiring into the business  
25 activities in October of '99 may or may not be related

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1 going to do this.  
2 Q I thought that earlier when I was asking  
3 you about the business increasing at U. Lim, you  
4 indicated that -- words to the effect that you thought  
5 U. Lim broke even, the amount of money that it took in  
6 to its expenses. Is that true for that period of '94  
7 through '97?  
8 A I don't know now. I wouldn't know.  
9 How do I know in 1994 or '95?  
10 Q So is it your testimony, then, for the  
11 period of 1994 --  
12 A Let me do this. From October of 1999, I  
13 actually started to inquire or asking about the  
14 business. Prior to that, I was not able to get  
15 involved at all.  
16 Q So, then, for the period of 1994 through,  
17 we'll say, 1998, you are not aware of whether or not  
18 U. Lim America or U. Lim Mexico were profitable  
19 companies?  
20 A Yes.  
21 Q What specifically caused you to begin to  
22 inquire about the business activities of U. Lim  
23 America in October of '99?  
24 MR. BATTENFELD: I'll object to the question as  
25 not having any relevance to this litigation wherein

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1 to Mr. Kang's litigation, may or may not be related to  
2 Tae Jin Yoon's changing of duties at U. Lim America  
3 which may or may not in part be related to the  
4 allegations in the complaint and Tae Jin Yoon's  
5 treatment of the employees. That is why I am  
6 inquiring, and I'm allowed to do that, so I would  
7 expect an answer.  
8 MR. BATTENFELD: Go ahead and make your  
9 statement, and then I'll make a statement.  
10 MR. GREY: Well, I just made it.  
11 MR. BATTENFELD: My response is that based on  
12 your own admission that there is no relevance to the  
13 inquiry depending on what the answer is, I would  
14 permit the question as to whether or not Mr. Yoon's  
15 decision to inquire into those business activities in  
16 1999 was related to Mr. Kang's case or Mr. Kang's  
17 allegations in some way. But that would be the  
18 question I would permit and not the open-ended  
19 question as to why did the witness do that.  
20 MR. GREY: I would note that I do not have a  
21 duty to ask Mr. Ki Hwa Yoon each and every question in  
22 a point-blank fashion as to the very, very specific  
23 allegations in the complaint. I can ask those in  
24 general terms. I can discover information which may  
25 be relevant to this litigation directly or indirectly,

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1 want to talk to the client -- have Mr. Cho talk to the  
2 client so we can make sure that he's understanding  
3 what it is exactly you are asking and then try to move  
4 on without further confusion.

5 MR. GREY: Okay.

6 (Recess taken from 10:50 a.m. to 11:03  
7 a.m.)

8 MR. BATTENFELD: The suggestion I would like to  
9 make, to avoid any further confusion about using the  
10 word "report," is I would suggest to propose that you  
11 use the word "report" in a question where you are  
12 actually asking about a corporate structure issue, and  
13 if you want to know whether there were discussions  
14 between person "A" and person "B," rather than use the  
15 word "report," either use the word "discussion" or  
16 "communication."

17 So, in other words, if the question is  
18 did Jae Cho from a corporate perspective report to  
19 Mr. Yoon, the question is did Jae Cho report to you.  
20 If the question is did Jae Cho provide information or  
21 discuss information with Mr. Yoon about the business,  
22 that you use the word "discuss" or "communicate."

23 BY MR. GREY:

24 Q Do you understand your attorney's  
25 proposal here to try to make the translation issue as

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1 correct?

2 A I think so.

3 Q And he would formally communicate  
4 business activities of U. Lim America, slash, Mexico  
5 to you; correct?

6 A No. Just annually at the end of the year  
7 during the workshop only once. We call that as  
8 workshop.

9 Q And these were the only formal reports of  
10 business activities of U. Lim America or U. Lim Mexico  
11 that you received from Tae Jin Yoon during the period  
12 of '94 through '97?

13 A I feel that besides that, there should be  
14 some reporting just between -- like brief report of  
15 how it is, so and so, but I do not recall any of the  
16 detailed information.

17 Q Was there ever a point in time when  
18 Mr. Cho in the corporate structure sense reported to  
19 you directly?

20 A No.

21 Q And who presently reports to you directly  
22 from U. Lim America or U. Lim Mexico?

23 A Now?

24 Q Now.

25 A There was one step. A director came from

35

1 easy as possible?

2 A Yes.

3 Q Okay. We will try to do that. Right now  
4 we are just waiting for Mr. Cho.

5 Okay. It's my understanding, then, that  
6 from 1994 to 1997 Mr. Cho never reported directly to  
7 you; correct?

8 A Which report you are talking about?

9 MR. BATTENFELD: This is corporate structure.

10 THE WITNESS: No.

11 BY MR. GREY:

12 Q Okay. During that period of time, '94  
13 again through the end of '97, did he ever communicate  
14 the business activities of U. Lim America or U. Lim  
15 Mexico directly to you?

16 A Like when you used the word  
17 "communication" such as communication when we are in  
18 the car together, I ask how it's going on about the  
19 company, and he says, oh, it's going on like the  
20 direction -- like big picture, yes.

21 Q So would you characterize these as  
22 informal communications?

23 A Yes.

24 Q And during the period of '94 through '97,  
25 it was Tae Jin Yoon who reported directly to you;

34

1 Korea.

2 Q And who is that director?

3 A Yoon, Y-o-o-n, one space, G-i-l, one  
4 space, K-i-m is last name.

5 Q And he's the person now in charge of  
6 reporting to you -- strike that.

7 He's the person from U. Lim America and  
8 U. Lim Mexico who reports directly to you; correct?

9 A It's not reporting to me directly. Just  
10 they are doing their own work. He comes to take care  
11 of -- for Tae Jin Yoon's absence, like in and out to  
12 Korea or over from Korea.

13 Q Does Mr. Kim presently have a title at U.  
14 Lim America or U. Lim Mexico?

15 A He's the one who is the person who takes  
16 transient position like somebody who goes --

17 Q Transition?

18 THE INTERPRETER: Yes. Not like somebody that  
19 doesn't have one station. Somebody who fills in the  
20 place where the person is absent.

21 BY MR. GREY:

22 Q And just how long has he been in that  
23 position at U. Lim America?

24 A I think about two months.

25 Q And immediately preceding that two

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1 A No. I like to say here is -- what I like  
2 to say is I didn't have time during that period  
3 because I was -- I was placing a factory in China. I  
4 was quite busy, so I didn't have time to think about  
5 or had time to do.

6 Q I'm talking about a four-year period now.  
7 In '94, '95, '96, and '97, were you busy throughout  
8 that period placing a factory in China?

9 A Yes, yes.

10 Q What is your best estimate of how often  
11 during that period, either on a weekly basis, a  
12 monthly basis, or even a yearly basis, whatever range  
13 you are comfortable with, that you would contact the  
14 facility?

15 MR. BATTENFELD: And I'll object that the  
16 question is ambiguous as to time frame.

17 THE WITNESS: I am 61 years old. It's not  
18 something I try not to answer. I have so many places,  
19 factories, and how can I remember all those details.

20 BY MR. GREY:

21 Q This is one of those times, however, that  
22 I'm entitled to your best estimate. Certainly you  
23 contacted the U. Lim America and Mexico facilities  
24 before; correct?

25 A I assume that I contacted, but I cannot

25

1 Q You indicated you have no estimate as to  
2 how often you contacted the U. Lim facility during  
3 that four-year period, and that you were very busy  
4 establishing a plant in China; correct?

5 A What I said was is not four years I  
6 placed a factory there. I began in 1994; therefore, I  
7 was so busy. I was just all over doing the work, so I  
8 don't remember anything.

9 Q During that four-year period, 1994  
10 through '97, was it your understanding that Tae Jin  
11 Yoon was in charge of all the operations at U. Lim  
12 America and U. Lim Mexico during that period?

13 A Yes.

14 Q And that you were not actively involved  
15 in the operations of U. Lim America and U. Lim Mexico  
16 during that period?

17 A Yes.

18 Q And that you were relying on Tae Jin Yoon  
19 to operate those companies; correct?

20 A Yes.

21 Q Was there ever a point in 1994, 1995,  
22 '96, '97 that Jae Cho reported any business activities  
23 of U. Lim America or U. Lim Mexico directly to you?  
24 Was there ever a point in 1994, '95, '96, or '97 that  
25 Jae Cho reported business activities of U. Lim Mexico

27

1 remember how many times I did.

2 Q So is it your testimony, then, that for  
3 the years of 1994, '95, '96, and '97, you have no  
4 estimate of how often you would have contacted the U.  
5 Lim facility?

6 A Yes, yes.

7 Q And you don't know whether you contacted  
8 it once a month or once a year; is that correct?

9 A Yes.

10 Q Was it your understanding, therefore,  
11 that Tae Jin Yoon was responsible for all operations  
12 of U. Lim America and U. Lim Mexico during 1994, '95,  
13 '96, and '97?

14 A Yes. Of course. Of course.

15 MR. BATTENFELD: You need to wait so I can make  
16 an objection.

17 The objection is the question is  
18 ambiguous with respect to the phrase "responsible  
19 for," and I'll also object to the question to the  
20 extent it calls for a legal conclusion.

21 MR. GREY: You can answer.

22 MR. BATTENFELD: I think he did answer before I  
23 objected.

24 THE WITNESS: What do you mean?

25 BY MR. GREY:

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1 or U. Lim America directly to you?

2 A I believe that when -- maybe had been  
3 reported by.

4 Q I don't understand the answer.

5 A When I was in Korea, no. I didn't get  
6 any report from him. But, however, when I came here,  
7 he was more like the -- was with me as if a secretary.  
8 Therefore, he may have reported to me.

9 Q Just so we understand the term "report,"  
10 you testified that Mr. Kang and Mr. Park report  
11 directly to Mr. Cho; correct?

12 A Yes.

13 Q And when you used the term "report," you  
14 are talking about communicating the business  
15 activities of their departments or jobs to Mr. Cho;  
16 correct?

17 A I don't understand your question.

18 Q When you used the term Mr. Kang and  
19 Mr. Park reported to Mr. Cho, what did you mean by the  
20 term "report"?

21 THE INTERPRETER: Let me -- I have to  
22 explain -- I'd like to rather clarify before I do. In  
23 USA, I report to you. It has the meaning of I am more  
24 like submitting information to you. All right? But  
25 in Korea, report can be different way like the report

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1 operations.  
2 THE INTERPRETER: C-h-a, j-a-n-g -- the  
3 verbatim translation for me to be able to do that is  
4 "Cha" means assistant. "Jang" means head of  
5 department. Can be head of a section, head of a  
6 company. So those two words he gave to me. I am not  
7 able to -- each company has different naming. For  
8 instance, assistant director, assistant president,  
9 assistant secretary. I cannot translate the words  
10 given to me except, I think, do assistant and head of  
11 department.  
12 MR. GREY: Well, ask him this.  
13 Q Are you familiar with the term "manager"?  
14 A Yes. They use manager as a manager in  
15 Korea, and the companies do.  
16 Q Would the use of the word "assistant"  
17 coupled with "manager" be a fairly accurate  
18 description of Mr. Park?  
19 A I do not know.  
20 THE INTERPRETER: Assistant manager, I don't  
21 know if it's equivalent to "cha jang" or not.  
22 However, he is a manager. I don't know whether it  
23 translated as assistant or not, but "Cha" means  
24 assistant. That is my translation.  
25 BY MR. GREY:

17

1 Q Now, you are familiar with Mr. Kang;  
2 correct?  
3 A Yes. Of course.  
4 Q And what is your recollection of when he  
5 first came to work for U. Lim America?  
6 A I don't know.  
7 Q Do you have a best estimate of when that  
8 was? A year for instance.  
9 A I don't know. I don't remember.  
10 Q Was Mr. Kang ever an assistant head of  
11 any of the departments?  
12 A No. I think he was not "cha jang." He  
13 was under the "cha jang" -- the name "kwa jang." More  
14 like section head.  
15 MR. BATTENFELD: I believe that translation  
16 would be manager.  
17 THE INTERPRETER: No. Manager is different.  
18 "Kwa jang," k-w-a, one space, j-a-n-g, is not a  
19 manager. It's a smaller head of a smaller section.  
20 Manager means a department manager. When he said  
21 k-w-a, one space, j-a-n-g, it's usually -- they refer  
22 underneath, smaller section of head.  
23 MR. BATTENFELD: According to Mr. Cho, the  
24 translation of that word is manager.  
25 THE INTERPRETER: Some company use it that way.

19

1 Q Do you know what departments he was an  
2 assistant head of?  
3 A Production.  
4 Q Was he assistant head of any other  
5 departments other than production? And this is for  
6 the term --  
7 A There are other managers.  
8 Q I'm just asking you for the term of  
9 Mr. Park's employment. Was he assistant head of any  
10 other departments other than production?  
11 A I don't understand your question.  
12 (Mr. Kang enters the deposition room.)  
13 BY MR. GREY:  
14 Q Well, you said he was an assistant head  
15 of production; correct?  
16 A Yes.  
17 Q Were there any other departments at U.  
18 Lim America he was an assistant head of?  
19 A I believe that there are some other --  
20 couple managers in the company.  
21 Q I'm not asking him about the other  
22 managers now. I'm just asking him if Mr. Park was an  
23 assistant head of any other departments other than  
24 production at any time.  
25 A No, no.

18

1 All right.  
2 BY MR. GREY:  
3 Q Which department was he an assistant  
4 in -- or departments, Mr. Kang?  
5 MR. BATTENFELD: The question is what  
6 department he was a manager in?  
7 MR. GREY: We are going to get to that. I  
8 haven't defined it as manager.  
9 MR. BATTENFELD: According to Mr. Cho, he's  
10 using the word "manager."  
11 MR. GREY: I know that. I'm trying to get to  
12 what is relative to Mr. Kang, what department.  
13 MR. BATTENFELD: Richard, I want to let you  
14 know this is your chance to depose this witness. If  
15 you want to spend the entire morning on this topic,  
16 you do so at your peril.  
17 MR. GREY: I'm going to take the deposition of  
18 Mr. Ki Hwa Yoon until I'm done with the deposition of  
19 Mr. Ki Hwa Yoon. Now, he's properly noticed. Okay?  
20 He's an officer of the Defendant corporation, and I'm  
21 entitled to his testimony. Now, we spent the first 15  
22 minutes of this deposition going through the courtesy  
23 instructions for Mr. Ki Hwa Yoon, and I did so in a  
24 very thorough and civil fashion for Mr. Ki Hwa Yoon's  
25 benefit. Now, 20 minutes later --

20



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1 knowledge of.  
2 Do you understand?  
3 A Yes.  
4 Q Okay. Did I ask him, do you have any  
5 questions before we begin?  
6 A No. I don't think I have any questions.  
7 The purpose of my being here is you had questions for  
8 me. It's not that something -- I came here to ask you  
9 something.  
10 Q I understand.  
11 A So I would just -- it's not something  
12 that I volunteered to come here because I was told to  
13 come. That's why I am here.  
14 Q Mr. Yoon, what's your present address in  
15 the United States?  
16 A 605 Westview Court, Terra Nova, Chula  
17 Vista, California, 91910.  
18 Q Is that the same address as Tae Jin  
19 Yoon's home?  
20 A Yes.  
21 Q And presently and given in the last year,  
22 how many months have you occupied that residence as  
23 compared to your residence in Korea?  
24 A About one over two-fifths. About three  
25 months -- about three to four months.

9

1 Q So U. Lim Electronics Company Limited?  
2 MR. BATTENFELD: No. U. Lim Electronics  
3 Industrial.  
4 MR. GREY: Oh, I'm sorry.  
5 Q And if we refer to that as U. Lim Korea,  
6 would you understand what we mean?  
7 A Yes.  
8 Q Okay. And you also hold a position or  
9 title with what we've been referring to as U. Lim  
10 America?  
11 A Yes.  
12 Q And what is your position or title with  
13 U. Lim America?  
14 A Chair.  
15 Q And when you say chairman, you are  
16 talking about chairman of the board?  
17 A Yes.  
18 Q And there is nobody higher than you in U.  
19 Lim Korea or U. Lim America; correct?  
20 A No.  
21 Q Okay. And do you hold a position in U.  
22 Lim Mexico?  
23 A Yes.  
24 Q And what is your position at U. Lim  
25 Mexico?

11

1 Q And is the rest of the time spent in  
2 Korea?  
3 A Yes. In Korea, but, however, I have some  
4 other locations of my companies, so sometimes I go  
5 there, too.  
6 Q Are there any other U.S. locations that  
7 you reside at?  
8 A This is it, the only address I have.  
9 Q For the U.S.?  
10 A Yes.  
11 Q Okay. And you are an officer and  
12 director of U. Lim Korea; correct?  
13 MR. BATTENFELD: For the record, I don't  
14 believe that is the correct title.  
15 THE WITNESS: When you say the officer or  
16 director --  
17 THE INTERPRETER: Let me get back with him  
18 because when he gives a word --  
19 THE WITNESS: Chairman.  
20 BY MR. GREY:  
21 Q Okay. And just for clarification, what  
22 is the full and actual name of U. Lim Korea that we've  
23 come to refer to as?  
24 A Just wait a minute. U. Lim Electronics  
25 Industrial Co, comma, Ltd.

10

1 A Chair.  
2 Q And how long have you had your position  
3 of chairman at U. Lim America?  
4 A About 23 years. Could be 22 or 23.  
5 Q And how about for U. Lim Mexico? Same  
6 question.  
7 A Since December of 1992.  
8 Q And I take it that's when U. Lim Mexico  
9 was founded or created?  
10 A Yes.  
11 Q And when was the first time that Tae Jin  
12 Yoon had a position at U. Lim America?  
13 A I don't recall, but could be 1994 or  
14 1995.  
15 Q And what was that position that he had in  
16 '94 or '95?  
17 A President.  
18 MR. BATTENFELD: Were you asking about U. Lim  
19 Mexico or U. Lim Korea or U. Lim America?  
20 MR. GREY: U. Lim America.  
21 THE WITNESS: Vice-president.  
22 BY MR. GREY:  
23 Q And when did Tae Jin Yoon first have a  
24 position with U. Lim Mexico?  
25 A Same year.

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<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 4 SOO CHEOL KANG, ) 5 Plaintiff, ) 6 vs. ) No. 99 CV659 JM 7 U. LIM AMERICA, INC.; TAE ) (RBB) 8 JIN YOON, an individual; and ) 9 DOES 1 to 100, ) 10 Defendants. ) 11 12 13 14 DEPOSITION OF KI HWA YOON 15 San Diego, California 16 Wednesday, January 12, 2000 17 18 19 20 21 22 23 Reported by: 24 JESSICA E. MASSE 25 CSR No. 9910 JOB No. 12066</p> <p style="text-align: center;">1</p>	<p>1 APPEARANCES: 2 For the Plaintiff: 3 LAW OFFICE OF RICHARD E. GREY 4 BY: RICHARD E. GREY 5 Attorney at Law 6 409 Camino Del Rio South, Suite 303 7 San Diego, California 92108 8 (619) 543-9300 9 10 For the Defendants: 11 MORGAN, LEWIS &amp; BOCKIUS 12 BY: JOHN S. BATTENFELD 13 Attorney at Law 14 300 South Grand Avenue, 22nd Floor 15 Los Angeles, California 90071 16 (213) 612-2500 17 18 Also Present: 19 JAE HO CHO 20 SOO CHEOL KANG 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 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Excerpts from the Deposition of Soo Kang to Follow Tomorrow



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<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 4 SOO CHEOL KANG, ) 5 Plaintiff, ) 6 vs. ) No. 99 CV659 JM 7 U. LIM AMERICA, INC.; TAE ) (RBB) 8 JIN YOON, an individual; and ) 9 DOES 1 to 100, ) 10 Defendants. ) 11 12 13 14 DEPOSITION OF SOON WAN PARK 15 San Diego, California 16 Tuesday, December 14, 1999 17 Volume I 18 19 20 21 22 23 Reported by: 24 JESSICA E. MASSE 25 CSR No. 9910 JOB No. 11729</p> <p>1</p>	<p>1 APPEARANCES: 2 For the Plaintiff: 3 LAW OFFICE OF RICHARD E. GREY 4 BY: RICHARD E. GREY 5 Attorney at Law 6 409 Camino Del Rio South, Suite 303 7 San Diego, California 92108 8 (619) 543-9300 9 10 For the Defendants: 11 12 MORGAN, LEWIS &amp; BOCKIUS 13 BY: JOHN S. BATTENFELD 14 Attorney at Law 15 300 South Grand Avenue, 22nd Floor 16 Los Angeles, California 90071 17 (213) 612-2500 18 Also Present: 19 JAE CHO 20 SOO CHEOL KANG 21 22 Interpreter: 23 24 ANN McCORMICK 25 12212 Old Stone Road Poway, California 92064 (619) 486-6648</p> <p>3</p>
<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 4 SOO CHEOL KANG, ) 5 Plaintiff, ) 6 vs. ) No. 99 CV659 JM 7 U. LIM AMERICA, INC.; TAE ) (RBB) 8 JIN YOON, an individual; and ) 9 DOES 1 to 100, ) 10 Defendants. ) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>2</p> <p>Deposition of SOON WAN PARK, Volume I, taken on behalf of Plaintiff, at 501 West Broadway, Suite 1300, San Diego, California, beginning at 10:08 a.m. and ending at 5:38 p.m. on Tuesday, December 14, 1999, before JESSICA E. MASSE, Certified Shorthand Reporter No. 9910.</p>	<p>1 INDEX 2 3 WITNESS: EXAMINATION 4 SOON WAN PARK 5 Volume I 6 7 BY MR. GREY 5 8 9 10 EXHIBITS 11 (None) 12 13 14 15 INSTRUCTION NOT TO ANSWER 16 17 Page Line 18 10 18 19 35 1 20 48 3 21 85 2 22 126 4 23 24 25</p> <p>4</p>

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1 give your best testimony today.  
2 A Yes.  
3 Q If you need to take a break, please let  
4 us know, and we will do that.  
5 A Yes. I understand.  
6 Q Okay. Do you have any questions of me  
7 before we begin?  
8 A No.  
9 Q Now, you indicated you never had your  
10 deposition taken before; correct?  
11 A No. It's correct.  
12 Q Have you reviewed any documents in  
13 preparation for today's deposition?  
14 A Yes, I do.  
15 Q Okay. And what documents have you  
16 reviewed?  
17 A The event today with Director Cho. I  
18 reviewed to prepare for today, the matter.  
19 Q The question was what documents did you  
20 review?  
21 MR. BATTENFELD: If any.  
22 THE WITNESS: I did not review the documents.  
23 BY MR. GREY:  
24 Q So you are indicating you spoke with  
25 Director Cho prior to coming to today's deposition

9

1 BY MR. GREY:  
2 Q This raises an issue -- I'll address it  
3 now -- that there will be times when your attorney  
4 will object in the deposition -- let me rephrase it --  
5 where U. Lim's attorney will object in today's  
6 deposition. He may object on various grounds.  
7 Frequently, however, you can then proceed to answer.  
8 In this case, Mr. Battenfeld has  
9 instructed you not to answer. I'll take up the issue  
10 with Mr. Battenfeld whether the attorney/client  
11 privilege is actually applicable to that situation,  
12 but in many cases you understand that Mr. Battenfeld  
13 will object, but it's still okay for you to answer?  
14 Do you understand that?  
15 A Yes. I understand.  
16 MR. GREY: I'll just note for the record that I  
17 disagree with Mr. Battenfeld's assertion of the  
18 attorney/client privilege in this context. I believe  
19 I'm entitled to that testimony, but I'll discuss this  
20 matter later with Mr. Battenfeld at the conclusion or  
21 near the conclusion of the deposition.  
22 MR. BATTENFELD: I disagree completely. I  
23 invite Mr. Grey to read the Upjohn case.  
24 BY MR. GREY:  
25 Q Were there ever any occasions where you

11

1 about today's deposition?  
2 A Yes.  
3 Q Okay. When did you speak to Mr. Cho  
4 about today's deposition?  
5 A This morning.  
6 Q And where did this conversation take  
7 place?  
8 A At the breakfast. We were having  
9 breakfast together.  
10 Q Was anybody else present at this  
11 breakfast?  
12 A Yes. Our attorney was there.  
13 Q Was there anyone else other than you,  
14 Mr. Cho, and Mr. Battenfeld present at the breakfast?  
15 A No.  
16 Q And what did Mr. Cho tell you about  
17 today's deposition?  
18 MR. BATTENFELD: I'll object to the question to  
19 the extent it asks for any information provided by  
20 Mr. Cho during the meeting or any meetings that I was  
21 present at on the grounds that that is protected by  
22 the attorney/client privilege and instruct the witness  
23 not to answer the question as to any discussions where  
24 I was present.  
25 THE WITNESS: Yes.

10

1 met with Mr. Cho or had discussions with Mr. Cho about  
2 this litigation or this deposition where  
3 Mr. Battenfeld was not present?  
4 A Yes. There were -- or there was a time  
5 or times that in the company, yes, we talked about it.  
6 Q Okay. Do you have an estimate as to how  
7 many occasions you talked about it?  
8 A About two or three times.  
9 Q And of these two or three times, when was  
10 the first occasion?  
11 A September.  
12 Q September of this year?  
13 A Yes. This year.  
14 Q Okay. And when you had -- was this a  
15 meeting or a telephone conversation?  
16 A In person.  
17 Q Okay. And who else was present for this  
18 meeting?  
19 A No. There was no one.  
20 Q And in September you were talking about  
21 the litigation; is that correct?  
22 A Yes.  
23 Q Okay. And who initiated this meeting?  
24 A Would you repeat that?  
25 Q Who initiated the meeting? Who began the

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<p>1 he's not to guess. He is to give his best testimony, 2 but he should not guess, and he should make clear if 3 he's giving an estimate. 4 THE WITNESS: Yes. 5 BY MR. GREY: 6 Q It's your best estimate that you became 7 aware of this lawsuit in January of this year; is that 8 correct? 9 A Yes, it is. 10 Q Okay. When is the next conversation you 11 had with anyone after that initial conversation with 12 Mr. Cho about the lawsuit? 13 A I think the first one was the first part 14 of the year. I think the next one was maybe between 15 September and October. 16 Q And between approximately January of this 17 year and September, you had no conversations with 18 anyone regarding this lawsuit? 19 MR. BATTENFELD: Okay. And the objection is 20 that it misstates the witness' prior testimony. He 21 testified about conversations with Mr. Cho. He's 22 also, based on a prior objection, testifying only as 23 to conversations where I was not present. So there 24 may have been other conversations of that nature. 25 THE WITNESS: Yes.</p> <p style="text-align: center;">17</p>	<p>1 exchange, let me re-address the question, then. 2 Between approximately January of this 3 year and September of this year, did you have a 4 conversation with anyone regarding this lawsuit? 5 A Yes. 6 Q Okay. And who was that conversation 7 with? 8 A The attorney -- our attorney and then 9 Tae, T-a-e, one space, Jin, J-i-n. The last name is 10 Y-o-o-n. We went to Los Angeles together and then 11 talked about it. 12 Q And when did this meeting occur? 13 A I don't recall. 14 Q Okay. It was sometime between January 15 and September of this year? 16 A Yes. I don't remember the month, but I 17 think it was this year. 18 Q Can you give me your best estimate 19 whether or not it occurred in the summer, spring? 20 A I don't -- I'm not for sure. It could 21 have been springtime. 22 Q And who was present at this meeting? 23 A I and Tae Jin Yoon, the attorney and a 24 translator. 25 Q Was Mr. Cho present?</p> <p style="text-align: center;">19</p>
<p>1 BY MR. GREY: 2 Q And let's be clear so we understand 3 something. If I ask you about a conversation you've 4 had about this lawsuit, whether or not Mr. Battenfeld 5 was present, you should indicate that the conversation 6 took place. Mr. Battenfeld has asked and instructed 7 you not to answer as to the content of those 8 conversations based on the claim of attorney/client 9 privilege, but you are to indicate that his presence 10 existed at these conversations and not to delete that 11 conversation from your testimony. Do you understand? 12 MR. BATTENFELD: Let me just try to explain 13 this. What he's saying is that if you are asked 14 whether there was a conversation, you can answer yes 15 as to a conversation that I was present at that may 16 have occurred here or in your facility or my offices 17 in Los Angeles, but you are not to discuss the 18 contents of that conversation. But to merely 19 acknowledge that such a meeting took place, you are 20 allowed to say that. 21 THE WITNESS: Yes, I have. 22 BY MR. GREY: 23 Q And do you understand the instructions? 24 A Yes. 25 Q Okay. Just due to the length of this</p> <p style="text-align: center;">18</p>	<p>1 A No. 2 Q Do you know why -- well, strike that. 3 Did Tae Jin Yoon request that you go to 4 this meeting? 5 A Yes, yes. Together. 6 Q Do you know why he requested that you 7 attend this meeting? 8 A I understood that I was going there 9 related to the lawsuit filed. 10 Q I don't understand that answer. 11 A I went there because the attorney told us 12 that he needs to question -- there are things to 13 question. That's why I went there. 14 Q The question I asked you was did Mr. Tae 15 Jin Yoon request that you attend, and you indicated 16 yes, and then I asked you why was it that Mr. Tae Jin 17 Yoon asked that you attend. 18 MR. BATTENFELD: And I'll object. I believe 19 the question has been asked and answered. I believe 20 the witness testified that Mr. Yoon told him that the 21 attorney wanted to ask him a few questions. 22 MR. GREY: You can answer. 23 THE WITNESS: Yes, it was. 24 BY MR. GREY: 25 Q It was Tae Jin Yoon who conveyed to you</p> <p style="text-align: center;">20</p>

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1 meeting?  
2 A No.  
3 Q Were you curious about the meeting?  
4 A Yes.  
5 Q And because of that curiosity, did you  
6 ask Tae Jin Yoon anything about the meeting or the  
7 lawsuit?  
8 A No. I did not.  
9 Q Why not?  
10 A The reason was Mr. Cho is the one who was  
11 more familiar about the case.  
12 Q Okay. Well, had you asked Mr. Cho about  
13 this meeting or what was going to take place at the  
14 meeting?  
15 A Yes, I did.  
16 Q And what did you ask Mr. Cho about?  
17 A I was asking why kind of meeting today we  
18 were having.  
19 Q And what did he tell you?  
20 A And he said there will be questions from  
21 the attorney of Soo Cheol Kang, and myself was going  
22 to be a witness.  
23 Q And what did you think you were going to  
24 be a witness to?  
25 MR. BATTENFELD: I'll object to the question as

25

1 witnessed or the information I have ought to be the  
2 questions which I testify about it.  
3 Q Did Mr. Cho tell you anything about  
4 Mr. Kang's accusations in the complaint?  
5 MR. BATTENFELD: Just for clarification, you  
6 are asking about a discussion with Mr. Cho prior to  
7 the meeting with the attorneys?  
8 MR. GREY: Right. Right.  
9 THE WITNESS: You're asking me whether I have  
10 discussed it?  
11 BY MR. GREY:  
12 Q In this meeting that you had with Mr. Cho  
13 where he told you you were going to go to the  
14 attorney's office with Tae Jin Yoon, did he tell you  
15 what the accusations Mr. Kang was making in the  
16 complaint were?  
17 A Yes.  
18 Q Okay. And what did he tell you those  
19 accusations were?  
20 A Yes. It was.  
21 THE INTERPRETER: I think there was a  
22 linguistic problem.  
23 MR. GREY: I'll ask him again what were the  
24 accusations he told him about.  
25 THE WITNESS: The lawsuit has been filed

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1 being ambiguous and unintelligible.  
2 THE WITNESS: I do not understand your  
3 question.  
4 BY MR. GREY:  
5 Q Okay. You indicated that Mr. Cho told  
6 you there would be questions, and that you would be a  
7 witness; is that correct?  
8 A Yes.  
9 Q Did you have any understanding as to what  
10 it was that you might have witnessed?  
11 MR. BATTENFELD: I'll object to the question as  
12 being ambiguous as to what "might have" refers to.  
13 THE WITNESS: Would you repeat that again?  
14 MR. GREY: Sure.  
15 Q You testified that Mr. Cho told you that  
16 you were going to be asked questions at this meeting,  
17 and that you were a witness; is that correct?  
18 A Yes.  
19 Q Do you understand what the term "witness"  
20 is?  
21 A Yes, I do.  
22 Q Okay. My question to you is what did you  
23 believe you were a witness to?  
24 A I understood that since I worked with  
25 Mr. Kang at the company, the things that I have

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1 against the company and Tae Jin Yoon.  
2 BY MR. GREY:  
3 Q Did he tell you any of the details of  
4 Mr. Kang's accusations against the company and Tae  
5 Jin?  
6 A Yes. More like -- more like briefly.  
7 Q Okay. And what briefly did he tell you  
8 about the specifics of those accusations?  
9 A I was told that he worked a lot such as  
10 overtime and also including weekends.  
11 Q Did he tell you about any other  
12 accusations?  
13 A No. I think that's all I heard.  
14 Q When were you informed of this meeting  
15 that you were going to go to with Tae Jin Yoon and the  
16 attorney?  
17 A A few days prior to the actual event.  
18 Q In the time between when Mr. Cho informed  
19 you of this meeting and the time you went to the  
20 meeting, did you talk to any of your co-workers about  
21 the meeting?  
22 A No. I don't think there was anything I  
23 talked to the -- with the co-workers.  
24 Q You indicated that you had a two-hour  
25 drive with Mr. Yoon up to the attorney's office for

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1 was more like conversation about it.  
2 Q Okay. Whether it's a meeting or a  
3 conversation, approximately two to three meetings,  
4 slash, conversations; correct?  
5 A We see each other at the company every  
6 day.  
7 THE INTERPRETER: Let me make it clear. In  
8 Asia, Japan, Korea, meeting is a very formal meeting.  
9 So if you say "meeting," I am not given other words.  
10 I have to say "meeting." So in Asia -- like in this  
11 country, you and I meet, and we can say meeting. In  
12 Asia, I cannot do this. Whenever when you say  
13 "meeting," when I translate that word of "meeting," it  
14 has a different connotation as an American way.  
15 Conversation, yes. But "meeting" is a very formal  
16 meeting.  
17 MR. GREY: Is there an informal term for  
18 "meeting" in Korean?  
19 THE INTERPRETER: You can say event or a  
20 conversation or a gathering, but when you say  
21 "meeting," I'm not given any choice except saying  
22 "meeting" in Korean. Sorry about it. I just have to  
23 make very clear so it doesn't create any confusion.  
24 MR. GREY: I'll try to keep that in mind.  
25 Q What I'm just trying to get to is you had

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1 MR. BATTENFELD: Again I will object that the  
2 question invades the attorney/client privilege as well  
3 as the attorney work product document, and I will  
4 instruct the witness not to answer.  
5 THE WITNESS: So I won't answer.  
6 BY MR. GREY:  
7 Q When was the next -- other than the  
8 meeting with the attorney and Mr. Yoon, when was the  
9 next time you talked to anyone about this litigation  
10 or this deposition?  
11 A You are talking about meeting the  
12 attorney again?  
13 Q No.  
14 When was the next meeting, gathering, or  
15 conversation you had regarding the lawsuit or this  
16 deposition with anyone after the meeting -- your first  
17 meeting with Mr. Battenfeld?  
18 A I believe that there was no meeting after  
19 we talked with the attorney on the meeting we had. I  
20 think next one was like Director Cho was informing us  
21 about --  
22 THE INTERPRETER: Let me ask him again cause  
23 the last part --  
24 THE WITNESS: After the trip to the attorney's  
25 office, after that, the only conversation I had was in

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1 mentioned having a conversation or a gathering with  
2 Mr. Cho in September of '99. Do you recall that?  
3 A Yes. We did.  
4 Q And when you mentioned that earlier, were  
5 you referring to the conversation or gathering you had  
6 with Mr. Cho where he instructed you that you'd be  
7 going to this meeting with the attorney?  
8 A You mean coming here today?  
9 Q Either coming here to take the deposition  
10 or talking about the lawsuit. You mentioned having a  
11 gathering or meeting with Mr. Cho in September of '99.  
12 A Yes. I have.  
13 Q And when you referred to that gathering  
14 or conversation, are you referring to the conversation  
15 you had with Mr. Cho where he informed you that you  
16 were going to be going to the attorney's office with  
17 Mr. Tae Jin Yoon?  
18 A No. The trip made to L.A. was prior to  
19 that time.  
20 Q Okay. I anticipate an objection, but  
21 I'll ask the question, and I'll let the attorney  
22 assert the objection.  
23 You met with Mr. Battenfeld and Mr. Tae  
24 Jin Yoon. What did you discuss at that first meeting  
25 in L.A.?

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1 December.  
2 BY MR. GREY:  
3 Q Of this year?  
4 A That's when we talked about it.  
5 THE INTERPRETER: Sorry. September.  
6 THE WITNESS: Yes. This year, September.  
7 BY MR. GREY:  
8 Q That was with Mr. Cho; correct?  
9 A Yes.  
10 Q Was anybody else present at that meeting,  
11 gathering, or conversation?  
12 A No. It is not this kind of meeting.  
13 Just -- just when we were working in the office just  
14 mentioned about it.  
15 Q Okay. Let me -- just so you understand  
16 when we use "meeting," we have a more informal sense.  
17 It can mean meeting like this, but it can mean meeting  
18 just one on one where I'm having a conversation with  
19 you. So that's why I keep saying meeting, gathering,  
20 or conversation.  
21 MR. BATTENFELD: Can I suggest something? Is  
22 there a Korean word that would be broad enough to  
23 cover all of the topics that Mr. Grey wants to cover  
24 by that word?  
25 THE INTERPRETER: No. Event, gathering.

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1 was.  
2 Q Was it before or after this first meeting  
3 with Mr. Battenfeld?  
4 A I think prior to.  
5 Q Okay. And when he went through these  
6 allegations, did he comment on any of them?  
7 A No.  
8 Q So he just read them to you?  
9 A It was not that it was read to me from  
10 the first to the end. Just picked out a few of the  
11 items.  
12 Q So Mr. Cho selected certain items of the  
13 complaint to read to you; is that correct?  
14 MR. BATTENFELD: Just for clarification, you  
15 mean read or translate?  
16 THE WITNESS: It was shown to me, and then I  
17 skimmed through, and at the time Mr. Cho indicated  
18 about those.  
19 BY MR. GREY:  
20 Q Can you read English?  
21 A Very little.  
22 Q Okay. So if Mr. Cho showed you the  
23 complaint, would you need Mr. Cho to translate it for  
24 you?  
25 A Yes, it is.

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1 Q Did he tell you why he was reading you  
2 that portion of the complaint?  
3 A No.  
4 Q Did you ask him questions regarding that  
5 portion of the complaint?  
6 A The thing I inquired was since I skimmed  
7 through the English document, I asked him what do they  
8 mean.  
9 Q Did he give you the document at this  
10 meeting -- gathering?  
11 A No. He was holding in his hand. I just  
12 saw.  
13 Q Who else was present at this meeting or  
14 gathering or conversation?  
15 A No -- just us.  
16 Q How did this conversation or meeting or  
17 gathering start?  
18 A I think it was the day that we were  
19 supposed to meet Soo Cheol Kang. That day in the  
20 car -- I was shown the document in the car.  
21 Q And it's your testimony that this was  
22 before the meeting you had with Mr. Kang; correct?  
23 MR. BATTENFELD: Mr. Kang?  
24 THE WITNESS: So prior to meeting Mr. Kang?  
25 MR. GREY: Right.

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1 Q So is it correct, then, that Mr. Cho  
2 selected various portions of the complaint and  
3 translated them for you?  
4 A Yes. Just a few items.  
5 Q And these were portions that he selected,  
6 not you; correct?  
7 A Yes, it is.  
8 Q Okay. And what portions do you recall he  
9 selected to read to you?  
10 A Like working a lot such as overtime and  
11 then also discriminating among people. I think that's  
12 all.  
13 Q And when he read you the sections on  
14 overtime, did he make any statement about that at all?  
15 MR. BATTENFELD: Do you mean other than  
16 translating?  
17 BY MR. GREY:  
18 Q Other than translating, did he comment on  
19 it at all?  
20 A No.  
21 Q Did he ask you to comment?  
22 A No.  
23 Q Did he tell you whether or not he felt  
24 that allegation was true or false?  
25 A No.

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1 THE WITNESS: I think after we met Kang.  
2 BY MR. GREY:  
3 Q This meeting with Mr. Kang, where did it  
4 take place?  
5 A I was not there. Like I only just saw  
6 them. Mr. Cho and Mr. Kang, the two met.  
7 Q When was the date of this meeting?  
8 A I don't recall.  
9 Q Okay. Where was this meeting or  
10 gathering?  
11 A I do not know the place exactly, but it  
12 was more like the area of Highway 8.  
13 Q Was it at a restaurant?  
14 A No. It was not, but it was a building.  
15 Q Were you sitting down at a table at this  
16 meeting or gathering?  
17 A I was there at the parking lot. Mr. Cho  
18 only went up there.  
19 Q And where did Mr. Cho go to to your  
20 knowledge?  
21 A I think he told me that he was going to  
22 see Mr. Kang.  
23 Q Okay. Was anybody else in the car with  
24 you before Mr. Cho left to go see Mr. Kang?  
25 A No.

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1 MR. GREY: What is his answer?  
2 THE INTERPRETER: He said "no."  
3 BY MR. GREY:  
4 Q What is your understanding of what  
5 Mr. Kang's position was?  
6 A Manager.  
7 Q Manager of what?  
8 A Purchasing manager.  
9 Q Okay. Was he also the warehouse manager?  
10 A Yes, yes.  
11 Q And when he left in February of '98, who  
12 took over his duties as purchasing manager?  
13 A Yu Shin Yoon.  
14 Q And who took over Mr. Kang's duties as  
15 warehouse manager?  
16 A Both together working.  
17 Q Yu Shin Yoon took over both positions?  
18 A Yes, it is.  
19 Q What was Yu Shin Yoon's position in the  
20 company prior to the time he took over purchasing  
21 manager and warehouse manager?  
22 MR. BATTENFELD: I'll object.  
23 Could you read back the question in  
24 English?  
25 (Record read.)

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1 Q Okay. When he sometimes worked, what did  
2 he sometimes work at?  
3 A I don't think he was working for the  
4 company actually. I don't think so. He sometimes  
5 comes to do little errands in that way.  
6 Q Do you know whether or not he did any  
7 accounting work for the company prior to Mr. Kang's  
8 termination?  
9 A I don't remember.  
10 Q Did you ever have any conversations with  
11 Bo Won Chung about the litigation or the deposition  
12 here today?  
13 A No, not about this litigation.  
14 Q And do you understand when I refer to  
15 "this litigation," I'm talking about Mr. Kang's  
16 lawsuit against U. Lim America and Tae Jin Yoon?  
17 A Yes. I understand.  
18 Q Is there another Mr. Kang that works for  
19 U. Lim America or U. Lim Korea that you are familiar  
20 with?  
21 A Yes. There is one Mr. Kang who works in  
22 Korea.  
23 Q And what's his full name?  
24 A Yu Hyung Kang.  
25 Q How do you spell the middle name?

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1 MR. BATTENFELD: I'll object to the question.  
2 It assumes a fact that -- it hasn't been testified to  
3 as to whether Mr. Yoon had a position prior to that  
4 time.  
5 MR. GREY: I'll lay a foundation.  
6 Q Prior to Yu Shin Yoon taking over the  
7 position of purchasing manager and warehouse manager  
8 at Mr. Kang's termination -- was Mr. Yoon working for  
9 the company prior to that?  
10 MR. BATTENFELD: For clarification, when you  
11 say "the company" --  
12 MR. GREY: U. Lim America.  
13 THE WITNESS: Would you repeat it?  
14 THE INTERPRETER: Can I just repeat it?  
15 MR. GREY: Okay.  
16 THE WITNESS: He was starting.  
17 BY MR. GREY:  
18 Q Was he employed in any capacity at U. Lim  
19 America prior to February of '98?  
20 MR. BATTENFELD: And do you mean prior to  
21 Mr. Kang's departure?  
22 MR. GREY: Yes. In February of '98.  
23 THE WITNESS: Practically he didn't work. He  
24 sometimes worked.  
25 BY MR. GREY:

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1 A Y-u, middle name H-y-u-n-g, last name  
2 K-a-n-g.  
3 Q And have you ever talked to Mr. Yu Hyung  
4 Kang about the lawsuit, litigation, or the deposition?  
5 A Not about the event today we are doing  
6 this.  
7 Q Have you ever talked to him about  
8 anything to do with the lawsuit, not just today's  
9 deposition?  
10 A Yes, I have.  
11 Q And when did you talk to him about the  
12 lawsuit or the events giving rise to the lawsuit?  
13 A I do not recall the date.  
14 Q Give me your best estimate.  
15 A I think this year. It was this year.  
16 Q And did he initiate this conversation, or  
17 did you?  
18 A I think Mr. Kang initiated it.  
19 Q And do you know why he initiated this  
20 conversation?  
21 MR. BATTENFELD: I'll object to the question.  
22 It calls for speculation.  
23 MR. GREY: You can answer.  
24 THE WITNESS: Should I say?  
25 MR. BATTENFELD: Only if you have personal

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1 BY MR. GREY:  
2 Q Did you give Mr. Kang any opinions about  
3 the lawsuit?  
4 A No. I don't think I told him about my  
5 opinion about it.  
6 Q Did he ever ask you what you thought  
7 about the lawsuit?  
8 A No. He did not.  
9 Q Was he upset at Mr. Kang for filing the  
10 lawsuit?  
11 MR. BATTENFELD: I'll object to the question as  
12 calling for speculation.  
13 MR. GREY: You can answer.  
14 THE WITNESS: Who was upset?  
15 BY MR. GREY:  
16 Q Was Mr. Yu Kang upset about Mr. Soo Kang  
17 filing the lawsuit?  
18 A No.  
19 Q Did Mr. Kang indicate to you why he -- if  
20 he was, why he was involved in this lawsuit or in  
21 getting the status of the lawsuit?  
22 A No, he didn't.  
23 Q It is true that you had a meeting with  
24 Mr. Kang, yourself, Bo Won Chung, and then Soo Kang?  
25 Is that correct?

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1 A He said he wondered about it, so,  
2 therefore, I then told him that I would contact  
3 Mr. Kang -- Soo Cheol Kang, and -- let's see --  
4 whether I could make just an occasion to meet each  
5 other.  
6 Q When you say Yu Kang wondered about it,  
7 what did he wonder about?  
8 A He said how we were doing first, and he  
9 was wondering why did the kind of issues or event  
10 occur.  
11 Q Anything else?  
12 A No. That's all.  
13 Q But is it your testimony that Mr. Yu Kang  
14 told you to set up a meeting with Soo Kang?  
15 A That was mentioned, so I said I would do  
16 that.  
17 Q Why did Mr. Yu Kang tell you to set up a  
18 meeting with Soo Kang?  
19 A I don't know. I think he knew -- he was  
20 friends maybe.  
21 THE INTERPRETER: But the friendship English  
22 word has a little different meaning than the Korean  
23 friendship, so I'd rather translate it as  
24 acquaintance.  
25 BY MR. GREY:

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1 A Yes. We have.  
2 Q And didn't you speak to Mr. Bo Won Chung  
3 about this lawsuit?  
4 A I think -- I think I have told him that  
5 the lawsuit has been filed.  
6 Q And at that time, what was Mr. Chung's  
7 position with the company?  
8 A Assistant manager.  
9 Q Assistant manager to what department?  
10 A Quality control.  
11 Q Was he also assistant manager for  
12 production?  
13 A No.  
14 Q Okay. And he worked directly under you;  
15 correct?  
16 THE INTERPRETER: Directly under you?  
17 THE WITNESS: Yes, it is.  
18 BY MR. GREY:  
19 Q Who at U. Lim America, if anyone,  
20 initiated the meeting with Soo Kang?  
21 A Yu Kang wondered how Soo Cheol Kang was  
22 doing; therefore, I was the one who suggested to meet  
23 and talk about it.  
24 Q I don't understand in your answer Mr. Yu  
25 Kang's involvement. Can you explain that to me?

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1 Q But Yu Kang mentioned to you that he  
2 wanted to speak to Soo Kang; is that correct?  
3 A Yes.  
4 Q Did he tell you what he wanted to speak  
5 to Soo Kang about?  
6 A No. He didn't say about what he wanted  
7 to talk about.  
8 Q Okay. At the time you set up this  
9 meeting, what did you think the purpose of the meeting  
10 was for?  
11 THE INTERPRETER: I have to make it very clear  
12 with him. He said about three things, but without  
13 subjects. So without subjects, I cannot translate, so  
14 let me --  
15 MR. GREY: Okay.  
16 THE INTERPRETER: So he would rephrase it.  
17 MR. GREY: Let's refresh him on what that  
18 question was. It's been a long time between the  
19 question and the answer.  
20 THE WITNESS: Yes. I'd like to hear the  
21 question again.  
22 THE INTERPRETER: I can't translate it. You'll  
23 have to let her read the question.  
24 (Record read.)  
25 THE WITNESS: There was no particular reason.

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1 for this meeting?  
2 A Are you talking about the purpose of that  
3 meeting at the time?  
4 Q The meeting that you set up with Soo  
5 Kang.  
6 A I don't understand.  
7 What is it about that meeting?  
8 Q You set up a meeting with Soo Kang;  
9 correct?  
10 A Yes.  
11 Q Did anyone mention to you the purpose of  
12 setting up that meeting with Soo Kang?  
13 A No.  
14 Q And it's correct, then, that Yu Kang, Bo  
15 Won Chung, and yourself went to meet Soo Kang;  
16 correct?  
17 A Yes. It's correct.  
18 Q And where did you meet?  
19 A It was a Korean restaurant.  
20 Q Did you speak personally with Soo Kang  
21 when you arranged this meeting?  
22 A Yes, I did.  
23 Q Okay. And when you spoke with Soo Kang,  
24 why did you tell him that you wanted to have this  
25 meeting?

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1 Kang where he set up -- or where you set up the  
2 meeting.  
3 Q Do you understand that?  
4 A Yes.  
5 Q And you told Soo Kang that Yu Kang wanted  
6 to speak to him; correct?  
7 A Yes.  
8 Q Did you tell him what Yu Kang wanted to  
9 speak to him about?  
10 A No. I didn't -- I didn't say anything  
11 else except I told him that Yu Kang just wanted to see  
12 him.  
13 Q Okay. In response to that, what did Soo  
14 Kang tell you in this telephone conversation?  
15 A Said it's fine.  
16 Q Is that all Soo Kang said?  
17 A That's all I remember.  
18 Q Okay. Did you ever inform Tae Jin Yoon  
19 that you had set up the meeting?  
20 A No. I did not.  
21 Q Did you ever inform Yoon Suk Choi that  
22 you had set up the meeting?  
23 A No. I did not.  
24 Q When you went to this meeting, did you  
25 drive to the meeting?

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1 A I stated to him that Yu Hyung Kang would  
2 like to see him -- meet him.  
3 Q Did you say anything else to him?  
4 A No. I didn't say anything else.  
5 Q Okay. What did he say to you?  
6 A Which one?  
7 Q Soo Kang. We are talking now about the  
8 conversation with Soo Kang where you set up the  
9 meeting.  
10 A He stated that a lawsuit has been filed,  
11 and then the expense has already been incurred about  
12 \$5,000.  
13 MR. BATTENFELD: Could you read back the last  
14 question and answer?  
15 (Record read.)  
16 MR. BATTENFELD: Just so the witness  
17 understands, if you could ask the witness whether he  
18 understood the question what did he say to Mr. Kang or  
19 what did Mr. Kang say to him during the phone  
20 conversation as opposed to what Mr. Kang said during  
21 the meeting at the restaurant.  
22 THE WITNESS: I understood that -- what has  
23 been said when we met him.  
24 MR. GREY: We'll get to that. Right now we are  
25 just talking about the conversation you had with Soo

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1 A Yes, yes. I went with my car, yes.  
2 Q And did Yu Kang, yourself, and Bo Won  
3 Chung all go in the same vehicle?  
4 A I don't remember about that.  
5 Q Do you recall driving together?  
6 A I don't recall.  
7 Q Do you recall that at the point in time  
8 when this meeting occurred, you and Mr. Chung were  
9 car-pooling together?  
10 A Yes.  
11 Q Does that refresh your recollection as to  
12 whether or not Mr. Yu Kang was also with you?  
13 A Yes. I don't think he drove this side --  
14 this side. I think we went all together.  
15 Q Do you remember having any conversations  
16 with Mr. Chung or Mr. Kang about the upcoming meeting  
17 as you were traveling to that meeting?  
18 A I don't remember.  
19 Q When you got to the meeting place, was  
20 Mr. Soo Kang there?  
21 A I think we were seated. A little later  
22 he came.  
23 Q And who initiated the conversation with  
24 Mr. Soo Kang, or was it Mr. Soo Kang who initiated  
25 with you?

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1 THE WITNESS: I don't know.  
2 BY MR. GREY:  
3 Q Do you have any reason to know why  
4 Mr. Chung called you at that point in time to speak to  
5 Mr. Soo Kang?  
6 A I do not know.  
7 Q So is it your testimony this was just a  
8 coincidence?  
9 MR. BATTENFELD: I'll object to the question as  
10 misstating his testimony and calling for speculation.  
11 THE WITNESS: I do not know.  
12 BY MR. GREY:  
13 Q Did you hand the phone to Mr. Soo Kang?  
14 A Yes, it was.  
15 Q Do you know whether or not Tae Jin Yoon  
16 got on the phone at any time?  
17 A I do not know.  
18 Q Even after the conversation came to a  
19 close, did you come to know by any knowledge that Tae  
20 Jin Yoon had been on the phone at that point in time?  
21 A I don't know.  
22 Q Is it your testimony that Mr. Chung asked  
23 to speak to Mr. Soo Kang?  
24 A Yes.  
25 Q Did he say why -- at that point in time

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1 A I went back home.  
2 Q I thought I heard you say something about  
3 it was approximately 30, 40 minutes because it was  
4 like lunchtime.  
5 THE INTERPRETER: No. Mealtime.  
6 BY MR. GREY:  
7 Q So this meeting took place in the  
8 evening; correct?  
9 A Yes, it was.  
10 Q And it took place after work; correct?  
11 A Yes, it was.  
12 Q Did you -- or Mr. Chung drop off  
13 Mr. Kang -- Yu Kang?  
14 A Yes.  
15 Q And did Mr. Chung drop you off?  
16 A I don't remember whether I drove that day  
17 or whether Yoon Suk drove that day.  
18 Q After the meeting and while you were all  
19 in the car, did you have any conversations about your  
20 meeting with Soo Kang?  
21 A No.  
22 Q You didn't talk about how the meeting  
23 went?  
24 A No. We didn't say.  
25 Q Did you talk about what you thought might

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1 why he wished to speak to Soo Kang?  
2 A No. He didn't say that.  
3 Q Did you receive any other phone calls, or  
4 did anyone else receive any phone calls during this  
5 meeting?  
6 A No.  
7 Q Did you ever tell Mr. Kang that he should  
8 drop the lawsuit?  
9 A No. I didn't do that.  
10 Q Did you ever ask him why he was bringing  
11 the lawsuit?  
12 A No. I didn't say about it.  
13 Q Did anyone ask him at that meeting why he  
14 was bringing the lawsuit?  
15 A I don't recall.  
16 Q Approximately how long did the meeting  
17 last?  
18 A It was just during the meal hour, so it  
19 could have been about 30 to 40 minutes.  
20 Q Where did you go after the meeting?  
21 A Go back home.  
22 Q Home or to work?  
23 THE INTERPRETER: Pardon me?  
24 BY MR. GREY:  
25 Q Home or to work?

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1 happen with respect to the lawsuit?  
2 A Are you saying that how the lawsuit will  
3 end or since that day?  
4 Q How it will end, how it will proceed,  
5 what course it will take.  
6 A No.  
7 Q So it's your testimony, then, that after  
8 this meeting, you didn't talk anything about what  
9 happened in this meeting at all while you were in the  
10 car?  
11 A I don't think that we talked anything  
12 about this lawsuit.  
13 Q And just to be correct on this, you then  
14 dropped off Mr. Kang at his home; correct?  
15 A I don't recall about that.  
16 Q Do you recall having a meeting or a  
17 gathering with either Mr. Chung or Mr. Kang after the  
18 car trip?  
19 THE INTERPRETER: After the car trip?  
20 MR. GREY: After the car trip. I'll back up.  
21 Q You testified that after the meeting you  
22 dropped off Mr. Kang, and then either Mr. Chung  
23 dropped you off, or you dropped off Mr. Chung; is that  
24 correct?  
25 A Yeah. I assume so.

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1 this lawsuit?  
2 A I think I spoke to my wife.  
3 Q Did you speak to your wife about the  
4 lawsuit when you first became aware of it?  
5 A No.  
6 Q When did you first speak to your wife  
7 about the lawsuit?  
8 A I don't remember when it was.  
9 Q Do you remember the content of your  
10 conversation with your wife about the lawsuit?  
11 MR. BATTENFELD: At this point I'm going to  
12 raise an objection that the question invades the  
13 spousal privilege and inform Mr. Park that he does not  
14 have to testify about any conversations he had with  
15 his wife. If he chooses to, it's his choice to do so,  
16 but he's not legally required to do so. He can  
17 decline to answer those questions if he chooses.  
18 MR. GREY: I disagree that there is any spousal  
19 privilege to this situation.  
20 MR. BATTENFELD: Is that Grey in law?  
21 MR. GREY: It's almost as good as Battenfeld in  
22 law.  
23 MR. BATTENFELD: The difference is I'm right.  
24 BY MR. GREY:  
25 Q What was the content of your conversation

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1 for a deposition in this case?  
2 A Yes, yes. She knows.  
3 Q Did you tell her you were concerned about  
4 any testimony you might give today?  
5 MR. BATTENFELD: At this point I'm going to  
6 take a break and talk to my client to make sure he  
7 understands the spousal privilege, and I'll have  
8 Mr. Cho translate fully what his rights are before we  
9 proceed.  
10 MR. GREY: And that's fine. But just before we  
11 do that, it is my understanding that Mr. Cho is U.  
12 Lim's representative in this matter; is that correct?  
13 MR. BATTENFELD: He's the company's  
14 representative at this deposition.  
15 MR. GREY: And Mr. Park has not been designated  
16 in that capacity as U. Lim's representative in this  
17 deposition?  
18 MR. BATTENFELD: He is here as a witness.  
19 MR. GREY: But not as the representative of U.  
20 Lim for the litigation?  
21 MR. BATTENFELD: He is a management  
22 representative of U. Lim. He is here today in his  
23 capacity as a witness that you have noticed for  
24 deposition.  
25 MR. GREY: But as I understand it, Mr. Cho has

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1 with your wife about the lawsuit?  
2 MR. BATTENFELD: And do you understand the  
3 objection, and it's your choice whether you want to  
4 reveal communications you had with your spouse?  
5 THE WITNESS: Yes.  
6 There wasn't nothing -- particular  
7 subject said.  
8 BY MR. GREY:  
9 Q Well, you mentioned to your wife that  
10 Mr. Kang had sued U. Lim; correct?  
11 A Yes. She knew about it.  
12 Q Did she already know about it before you  
13 spoke to her?  
14 A I don't know about that.  
15 Q Okay. Did you tell her the things that  
16 Mr. Soo Kang had sued U. Lim about?  
17 A No, I did not.  
18 Q Did you tell her you were surprised that  
19 Mr. Kang had sued U. Lim?  
20 A No.  
21 Q What then did you tell her about the  
22 lawsuit?  
23 A I only stated to her that a lawsuit has  
24 been filed, and then it's now still on.  
25 Q Did you tell her you were attending today

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1 been present for almost all the depositions. He's  
2 been present as the representative for U. Lim in this  
3 litigation; correct?  
4 MR. BATTENFELD: As the representative  
5 attending depositions on behalf of U. Lim.  
6 MR. GREY: I'm obviously going to contend --  
7 and I'm sure you will object -- there is no  
8 attorney/client privilege for this, but feel free to  
9 take the break now.  
10 MR. BATTENFELD: I want to make sure through my  
11 own -- Mr. Cho's translation that the witness  
12 understands what the objection was that I was raising.  
13 (Brief recess.)  
14 BY MR. GREY:  
15 Q We have a disagreement on the scope of  
16 the attorney/client privilege in this matter.  
17 Mr. Battenfeld is contending that the attorney/client  
18 privilege extends to you as a manager of U. Lim in  
19 this matter. I disagree with that. I will,  
20 therefore, ask you questions, and I assume  
21 Mr. Battenfeld will interject his opposition to it,  
22 but I just want to tell you in advance what's going  
23 on. Now, as we left this, I understood Mr. Battenfeld  
24 was going to instruct -- or inform you as to some  
25 privilege outside the presence of the court reporter.

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1 review a declaration of Raul Corio?  
2 A I do not understand what you are saying.  
3 Q A declaration is a statement given by a  
4 person that's committed to written form. Have you  
5 ever seen any statement given by Raul Corio?  
6 A No. I don't know.  
7 Q No, I don't know, or no --  
8 A I do not understand your question. Still  
9 I do not understand your question.  
10 Q Okay. We are taking a deposition here  
11 today. Do you understand?  
12 A Yes.  
13 Q And it's going to be committed to a  
14 written form.  
15 A Yes.  
16 Q So that your statements will now be in  
17 writing.  
18 A Yes.  
19 Q Okay. Have you ever seen a written  
20 statement of Mr. Raul Corio concerning any aspects of  
21 this litigation?  
22 A No.  
23 Q Okay. Usually we do this part at the  
24 beginning, but we got sidetracked, so now we are going  
25 to go through just general background information on

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1 Q What's your date of birth?  
2 A December 24th, 1967.  
3 Q Okay. And how long did you live in  
4 Korea?  
5 A I lived until I came here, which means  
6 April of 1994.  
7 Q And is April of '94 the first time you've  
8 lived in the United States?  
9 A Yes. It's correct.  
10 Q Okay. And when did you first start  
11 working for any U. Lim entity?  
12 A 1992. Yes. 1992.  
13 Q Okay. And do they have high school in  
14 Korea?  
15 A Yes.  
16 Q Okay. And does high school continue up  
17 until you are approximately 18 years of age?  
18 A Yes, it is.  
19 Q Did you graduate from high school?  
20 A Yes.  
21 Q Okay. Did you go to college?  
22 A Yes.  
23 Q Okay. And how long did you attend  
24 college?  
25 A Two years.

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1 you. Where were you born?  
2 A Korea.  
3 Q And how old are you?  
4 A Korean age, I am 33 years old.  
5 Q Is that different from American age?  
6 A Yes, it is.  
7 Q How would that convert to an American  
8 age?  
9 A Korean age, when after you are born after  
10 a year, you become one year. American age when you  
11 are born, you become one year.  
12 MR. BATTENFELD: I believe the translation  
13 reversed it.  
14 THE INTERPRETER: I reversed it. In Korea as  
15 soon as when you are born, you are one year. Next  
16 birthday you become more like every year. It's not --  
17 you don't have to wait your first date. If I am born  
18 on December 12, I am already one year old. Next year  
19 I become two years old. But American age if I am born  
20 on December 12, I will be one year when -- next year  
21 December 12. So that is the difference.  
22 MR. BATTENFELD: Next time ask for date of  
23 birth.  
24 MR. GREY: I didn't know. I didn't know. Why  
25 don't we do that?

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1 Q And did you receive any degree from  
2 college after those two years?  
3 A Yes. One diploma.  
4 Q What sort of degree did you receive or  
5 diploma did you receive?  
6 A I believe that when you finish four years  
7 of college, you get a degree. I did two years, which  
8 that is more like a professional junior college. I  
9 received a diploma.  
10 Q Do they have a term equivalent to  
11 associate's degree in Korea?  
12 THE INTERPRETER: Let me -- it's not verbatim,  
13 but it's equivalent.  
14 THE WITNESS: No. I don't have a degree. I  
15 only received a diploma.  
16 BY MR. GREY:  
17 Q And what did you study in junior college?  
18 And correct me if that's an improper term.  
19 THE INTERPRETER: I need to ask him.  
20 THE WITNESS: Mechanic design.  
21 BY MR. GREY:  
22 Q Mechanic design?  
23 A Mechanic design.  
24 Q And what was your first job after  
25 graduating junior college?

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1 Q Did you leave your father's company  
2 specifically to go work for U. Lim Korea?  
3 A Yes, it was.  
4 Q How did you come to know about a job  
5 opening at U. Lim Korea?  
6 A That is Tae Jin Yoon told me.  
7 Q And it's true that Tae Jin Yoon is sort  
8 of a life-long friend; correct?  
9 MR. BATTENFELD: I'll object to the question to  
10 the extent the phrase "life-long friend" is ambiguous.  
11 BY MR. GREY:  
12 Q Do you understand the question?  
13 A Yes. I do understand. Yes. He is a  
14 friend.  
15 Q How long have you known Tae Jin Yoon?  
16 A About 18 years.  
17 Q Did you go to school together?  
18 A Elementary school together only.  
19 Q I take it you went to different high  
20 schools?  
21 A Yes. All different.  
22 Q Did you stay in contact with Tae Jin Yoon  
23 during high school?  
24 A Yes.  
25 Q So you continued your friendship even

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1 Lim Korea?  
2 A Yes.  
3 Q Okay. And what was the job opening at U.  
4 Lim Korea that Tae Jin told you about?  
5 A He didn't say what position was -- can be  
6 filled or anything like that.  
7 Q Well, did he tell you there was a job  
8 opening at U. Lim Korea?  
9 A Yes.  
10 Q Okay. Did he tell you what that job was?  
11 A No, he didn't.  
12 Q Did you ask him what that job was?  
13 A Only I was told that -- the area where I  
14 had my educational background.  
15 Q So did you understand that the job had  
16 something to do with mechanical design?  
17 A When I entered, I was not aware of what  
18 department I will be placed or anything like that.  
19 Q But I believe the question was did he  
20 tell you what the job was, and you indicated he told  
21 you that it involved something to do with your  
22 educational background; correct?  
23 A Yes.  
24 Q And your educational background was  
25 mechanical design; correct?

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1 when you weren't going to school together?  
2 A Yes. We met sometimes.  
3 Q And it's your testimony, then, that Tae  
4 Jin Yoon informed you of a job position at U. Lim  
5 Korea?  
6 A Yes.  
7 MR. BATTENFELD: Just for the record, we are  
8 using the term U. Lim Korea as a short term. That's  
9 not actually the legal name of the corporation.  
10 BY MR. GREY:  
11 Q What is the legal name of U. Lim Korea?  
12 A U. Lim Industry Corporation.  
13 Q Do you know whether or not --  
14 MR. BATTENFELD: That isn't correct, but when  
15 you ask a lay witness, that's what you get.  
16 THE WITNESS: U. Lim Electronic.  
17 MR. GREY: And we are getting a clarification  
18 from Mr. Cho.  
19 THE WITNESS: U. Lim Electronic Industrial  
20 Corporation.  
21 BY MR. GREY:  
22 Q Does that refresh your recollection as  
23 the name of U. Lim Korea?  
24 A Yes.  
25 Q Can we now refer to that company as U.

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1 A Yes.  
2 Q So did he tell you that it had something  
3 to do with mechanical design?  
4 A Yes.  
5 Q Okay. What else did he tell you about  
6 the job or the job duties?  
7 A I don't think there was anything else  
8 that he said.  
9 Q Okay. Did you interview for this job?  
10 A When I entered the company?  
11 Q No. Normally before people get a job,  
12 they interview for a job in this country.  
13 Did you interview for the job at U. Lim  
14 Korea?  
15 A Yes, yes. That's why -- when I entered,  
16 yes. Yes.  
17 You were asking that -- whether I  
18 received an interview when I entered the company?  
19 Q Not exactly.  
20 Did you have to apply for the job before  
21 you got the job?  
22 A Yes.  
23 Q Okay. Did you fill out an application?  
24 A Yes.  
25 Q Okay. Did you then after you filled out

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1 no relevance to any of these questions. I will  
2 strongly suggest, Mr. Grey, you move on, or I'm going  
3 to inform Mr. Park to no longer answer these questions  
4 which have no bearing on any issue in this case nor  
5 are they reasonably calculated to lead to any  
6 discoverable evidence relative to this case.  
7 MR. GREY: The objection is noted.  
8 MR. BATTENFELD: Well, I suggest we move on.  
9 BY MR. GREY:  
10 Q Did Ki Hwa Yoon tell you what position  
11 you've been hired for?  
12 A I don't recall about that.  
13 Q What position did you ultimately receive  
14 when you were first hired?  
15 A Lever or --  
16 THE INTERPRETER: I will use the word  
17 "position."  
18 THE WITNESS: You mean which department?  
19 MR. BATTENFELD: Job title is what you are  
20 looking for?  
21 MR. GREY: Job title, position.  
22 THE WITNESS: I was a regular staff for QC  
23 department, quality control department.  
24 BY MR. GREY:  
25 Q A regular staff for quality control. It

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1 A Yes. It's correct.  
2 Q And then you were promoted to supervisor;  
3 correct?  
4 A Yes, it is.  
5 Q And how long did you hold the position as  
6 supervisor?  
7 A I don't remember how long I stayed there.  
8 Q Well, you indicated you went to the U.S.  
9 in April of '94; correct?  
10 A Yes.  
11 Q So for the period of time after you  
12 became a supervisor to the time you went to the U.S.,  
13 was that -- were you always in a position of  
14 supervisor?  
15 THE INTERPRETER: Let me make clear.  
16 THE WITNESS: What I did was when I was working  
17 for U. Lim Korea, I began as regular staff. Next  
18 position I held was a section supervisor. Next  
19 position I held was -- I was section -- more like  
20 department -- more like the small division director.  
21 Next position I held was I became assistant manager  
22 before I came to USA.  
23 BY MR. GREY:  
24 Q Your job duties as you moved from section  
25 supervisor to division director, did they change?

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1 was not a management position; correct?  
2 A No.  
3 Q And how long did you work as a regular  
4 staff person for quality control?  
5 A As a regular staff or with a particular  
6 position?  
7 Q I thought you said as a regular staff for  
8 quality control.  
9 A You are asking how many years have I  
10 worked as a regular staff?  
11 Q How long did he work in the position as a  
12 regular staff person for quality control?  
13 A About one year and a half.  
14 Q And after that what was your next  
15 position or job title at U. Lim Korea?  
16 THE INTERPRETER: I have to ask him the English  
17 title.  
18 THE WITNESS: Still I was working for quality  
19 control, but my position became a supervisor.  
20 BY MR. GREY:  
21 Q And briefly summarize what were your  
22 duties as a regular staff quality control person?  
23 A I was an inspector.  
24 Q So you'd inspect the products  
25 manufactured by U. Lim Korea for defects; correct?

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1 A As regular staff my job duty was an  
2 inspector. When I got promoted to the section  
3 supervisor until -- prior to the assistant manager  
4 position I held, I was the inspector for the parts --  
5 I was the inspector of the items coming into the  
6 company -- our company until -- prior to the time that  
7 I became an assistant manager.  
8 MR. GREY: He mentioned in there, however, that  
9 he was a division director. Did he have the same job  
10 duties as section supervisor when he was division  
11 director?  
12 THE INTERPRETER: What he's saying is when he  
13 was regular staff, his job duties was an inspector.  
14 Then he went to second, third, four steps before he  
15 came here. Those two -- in between two staff -- two  
16 positions, he was the inspector for like -- try to  
17 find out the defective items coming -- items coming  
18 into the company. Then his job duties changed when he  
19 became assistant manager. So two positions he was  
20 doing same thing. That's just my reading. I am  
21 reading what my notes are written down here when he  
22 said.  
23 BY MR. GREY:  
24 Q Did you become assistant manager while  
25 you were still in Korea?

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1 is production manager.  
2 Q Who was the production manager when you  
3 came over from Korea?  
4 A I'm not certain who it was.  
5 Q Do you know who performed the job duties  
6 of supervising production when you came over from  
7 Korea?  
8 A I think Eduardo. I am not certain about  
9 it.  
10 Q Okay. At one point in time you became  
11 both quality control manager and production manager;  
12 correct?  
13 A Yes, it was.  
14 Q When did you start receiving production  
15 duties?  
16 MR. BATTENFELD: Do you mean production manager  
17 duties?  
18 MR. GREY: Production supervising duties.  
19 THE WITNESS: I don't remember exact years.  
20 BY MR. GREY:  
21 Q Give me your best estimate.  
22 A About 1995 -- or 1995.  
23 Q Was it approximately the same time that  
24 you received your promotion to quality control  
25 manager?

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1 I was familiar with the production manager's duties.  
2 Q Was that a familiarity you got while  
3 working at U. Lim America as opposed to U. Lim Korea?  
4 A No. When I was working in Korea, I still  
5 obtained that kind of duties involved with that line  
6 of work.  
7 Q So you are saying you had a familiarity  
8 through your quality control duties at U. Lim Korea  
9 with production?  
10 THE INTERPRETER: Would you give me a couple  
11 minutes of break? I cannot contain words together.  
12 Let me have -- then you will read it to me again. I  
13 don't want to mistranslate.  
14 (Recess taken.)  
15 BY MR. GREY:  
16 Q When you arrived at U. Lim America other  
17 than secretarial staff, who was employed at U. Lim  
18 America?  
19 A Joo Hwan Kwak was there.  
20 Q And this is the same Kwak that  
21 interviewed you?  
22 A Yes. It's correct. The next one is  
23 Mr. Cho. Those two were there.  
24 Q Is that it?  
25 A Yes, it was.

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1 A Yes.  
2 Q Okay. And is it correct that your duties  
3 were the same as assistant quality control manager as  
4 they were as quality control manager?  
5 THE INTERPRETER: Would you repeat that?  
6 BY MR. GREY:  
7 Q Is it correct that your duties as  
8 assistant manager -- control manager were the same as  
9 your duties as quality control manager?  
10 A Yes, it was.  
11 Q Okay. So when you received your  
12 promotion to quality control manager, it was really  
13 just a title you were receiving; correct?  
14 A Yes, it was.  
15 Q And at that same time is when you made  
16 production manager?  
17 A Yes. About same time.  
18 Q Had you ever had any experience in  
19 supervising employees relative to production prior to  
20 being made production manager?  
21 A Are you talking about the production  
22 line?  
23 Q Yes. The production.  
24 A Yes. When I was doing QC department work  
25 because QC department work involves different areas.

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1 Q How about Tae Jin Yoon?  
2 A Yes. He was there.  
3 Q And when we were using the term "there,"  
4 we are talking about employed by U. Lim America. Was  
5 Ki Hwa Yoon employed by U. Lim America when you  
6 arrived?  
7 A No, he was not.  
8 Q Ki Hwa Yoon didn't have any title with U.  
9 Lim America when you arrived?  
10 A He was the president.  
11 Q Ki Hwa Yoon?  
12 A No. Ki Hwa Yoon was not the president in  
13 U. Lim America. He was the president of all U. Lim.  
14 Q When you say "He was the president of all  
15 U. Lim," are you saying that he was the president of  
16 U. Lim Korea, and U. Lim Korea owned U. Lim America?  
17 A I do not know that relationship, how it  
18 goes.  
19 Q What do you understand Ki Hwa Yoon's  
20 relationship to U. Lim America was when you arrived?  
21 A I understood he was the person who had  
22 the control of all those.  
23 Q So by some means you understood that he  
24 controlled U. Lim America, U. Lim Korea, and U. Lim  
25 Mexico; is that correct?

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1 Q And then you testified that approximately  
2 a week after you arrived Mr. Kang arrived; correct?  
3 A Yes. It's correct.  
4 Q And what was Mr. Kang's job position at  
5 the time that he first arrived?  
6 A At the company I think he started as  
7 assistant manager.  
8 Q Of what department?  
9 A Purchase -- like purchase and then  
10 warehouse.  
11 Q And other than secretarial employees, did  
12 U. Lim America to your knowledge have any other  
13 employees working for them when you arrived?  
14 A Yes. Besides those I mentioned, no.  
15 Q All the production was carried out by U.  
16 Lim Mexico; is that correct?  
17 A Yes.  
18 Q When you arrived, to your knowledge, was  
19 there any Korean individuals working for U. Lim  
20 Mexico?  
21 A Yes.  
22 Koreans?  
23 Q Yes.  
24 A Yes.  
25 MR. BATTENFELD: Would you read back the

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1 Q And so did Mr. Cho; correct?  
2 A Yes.  
3 Q When you arrived at U. Lim America, do  
4 you know the approximate total of U. Lim America's  
5 sales?  
6 MR. BATTENFELD: I'll object to the question as  
7 being vague and ambiguous as to what you mean by total  
8 sales and also ambiguous as to a period you are  
9 referring to.  
10 BY MR. GREY:  
11 Q Do you understand the question?  
12 A Not -- I don't understand.  
13 Q Okay. U. Lim America sold electronic  
14 parts; correct?  
15 A Yes.  
16 Q Okay. And at some point throughout the  
17 year, U. Lim America would add up its total sales of  
18 those parts; correct?  
19 A Yes.  
20 Q Okay. And when during the year would it  
21 tally its total sales?  
22 A End of the year, December.  
23 Q Okay. In December of 1994, do you have  
24 some estimate of what U. Lim's total sales were?  
25 MR. BATTENFELD: And you mean for the entire

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1 question?  
2 (Record read.)  
3 THE WITNESS: No. I'm sorry about it.  
4 BY MR. GREY:  
5 Q Were all the employees employed by U. Lim  
6 Mexico Mexican to the best of your knowledge?  
7 A Yes.  
8 Q When you arrived, did you speak Spanish  
9 at all?  
10 A No.  
11 Q Do you speak English at all?  
12 A Yes. A little bit.  
13 Q Could you read English when you arrived?  
14 A I was not able to read well. Not at all,  
15 no. I was not able to read well.  
16 Q When Mr. Kwak left, did anybody replace  
17 him?  
18 A No. Since he didn't have any position,  
19 there was no need to replace his place.  
20 Q Did you report directly to Tae Jin Yoon  
21 when you arrived?  
22 A Yes, it was.  
23 Q And to your knowledge, did Mr. Kang  
24 report directly to Tae Jin Yoon?  
25 A Yes, it was.

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1 year 1994?  
2 MR. GREY: For the year 1994.  
3 THE WITNESS: I don't remember precisely.  
4 BY MR. GREY:  
5 Q Give me your best estimate.  
6 MR. BATTENFELD: If you can give an estimate.  
7 Again don't guess.  
8 THE WITNESS: I don't remember.  
9 BY MR. GREY:  
10 Q Did that sales figure increase in 1995?  
11 A Yes.  
12 Q Do you know how much the total sales were  
13 in 1995?  
14 A I don't remember now.  
15 Q As a percentage, what's your best  
16 estimate of the percentage increase in sales from 1994  
17 to 1995?  
18 A I have total year, but I do not remember  
19 right now.  
20 Q What's your best estimate in a range that  
21 you are comfortable with?  
22 A I don't remember.  
23 Q Let me give you a for instance and see if  
24 that would help at all. Did the sales from 1994 to  
25 1995 double for instance?

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1 this deposition.  
2 MR. BATTENFELD: Well, what the status was in  
3 1994 does not go to that issue.  
4 MR. GREY: It goes to his current status as far  
5 as I know.  
6 Q Are you currently, Mr. Park, a citizen of  
7 the United States?  
8 A No.  
9 MR. GREY: Okay. So it goes.  
10 MR. BATTENFELD: If you want to ask him his  
11 current immigration status, I will allow that  
12 question. I will not allow questions as to what his  
13 immigration status was in 1994 because it's not  
14 relevant.  
15 MR. GREY: If he's not a U.S. citizen now, he  
16 obviously was an immigrant in 1994. I don't  
17 understand the need for the objection in the first  
18 place.  
19 MR. BATTENFELD: I've made the objection, and  
20 I'm explaining to you I've heard nothing from you that  
21 makes his status --  
22 MR. GREY: There's no basis for this objection.  
23 MR. BATTENFELD: Let me finish. I've heard  
24 nothing from you that makes his immigration status in  
25 1994 relevant. Therefore, I will instruct him not to

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1 Q Did U. Lim America or U. Lim Korea ever  
2 indicate at some point during the expiration of your  
3 first visa and the expiration of your second visa that  
4 they would seek to sponsor you for citizenship or a  
5 green card?  
6 A No. There was no mention about it by the  
7 company.  
8 Q Was there mention by anyone associated  
9 with the company?  
10 A There was a time or event that I  
11 mentioned about it.  
12 Q And who did you mention it to?  
13 A Yu Shik Yoon. I think I mentioned the  
14 ones about it.  
15 Q You are talking about Yu Shik Yoon?  
16 A Yes.  
17 Q Did you request from Yu Shik Yoon that  
18 the company sponsor you for either citizenship or a  
19 green card?  
20 A Yes.  
21 Q Okay. And when did you request this of  
22 Yu Shik Yoon?  
23 A I do not remember exactly what date.  
24 Q Just give me your best estimate.  
25 A I think it was about three or four months

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1 answer any questions about that status.  
2 MR. GREY: You can instruct him with each and  
3 every question.  
4 Q Were you ever promised by U. Lim Korea or  
5 U. Lim America that when you came to the United  
6 States, they would sponsor you for citizenship or  
7 immigration status?  
8 A No.  
9 Q To work over here you had to have a visa;  
10 correct?  
11 A Yes.  
12 MR. BATTENFELD: Could you read the question  
13 back?  
14 (Record read.)  
15 BY MR. GREY:  
16 Q And isn't it correct that you received a  
17 three-year visa to work?  
18 A Yes. Three years' visa? Yes. Received  
19 three years' visa first.  
20 Q Okay. And thereafter you had to seek an  
21 extension to that visa; correct?  
22 A Yes. It's correct.  
23 Q And is it correct you received a two-year  
24 extension?  
25 A It's correct.

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1 ago.  
2 Q And what caused you to mention that to Yu  
3 Shik Yoon?  
4 A Since it has been more than five years,  
5 and then -- or so we have a child born here.  
6 Therefore, I have in my mind to mention about it.  
7 Q Wasn't your child, in fact, born in  
8 Korea?  
9 A No. First one was born in Korea, but the  
10 second one was born in USA.  
11 Q Was it your understanding that your  
12 extensions were running out?  
13 A I understand that I can have two more  
14 years of extension in the future.  
15 Q Your understanding, then, is that you can  
16 have extensions up to the year 2000 or 2001?  
17 A 2002.  
18 Q And would that be April of 2002?  
19 A No. March.  
20 Q And at that point in time, it's your  
21 understanding that you either have to get a green  
22 card, or you'll have to go back to Korea; is that  
23 correct?  
24 A You mean once I have -- my effective date  
25 expires, I have to go back?

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1 months ago, did you ever speak to anyone at U. Lim  
2 regarding your visa status?  
3 A No. I didn't talk anything about green  
4 card.  
5 Q I know I mentioned green card, but I'm  
6 also talking about the visa status.  
7 A No. There was nothing talked about the  
8 green card, but the L-1 visa, first you get three  
9 years, and then the extension is two years. Another  
10 extension is given only for two years. That is the  
11 way my understanding -- I understood.  
12 Q Did you have a conversation with someone  
13 at U. Lim America about the L-1 visa and the  
14 extensions?  
15 A Yes.  
16 Q Okay. And who did you talk to about  
17 that?  
18 A Mr. Cho.  
19 Q And in those conversations -- was it  
20 multiple conversations or a single conversation?  
21 A I only talked about -- at the time about  
22 extension.  
23 Q Okay. And there was no mention of a  
24 green card at that time?  
25 A No, not at the time.

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1 Q Okay. When did you get married?  
2 A 1996.  
3 Q Do you know the month?  
4 A January.  
5 Q You indicated that approximately April of  
6 '95 or thereabouts you became production manager and  
7 quality control manager; correct?  
8 A I think -- I'm not certain exactly  
9 whether it was in April or -- I think it was about  
10 during that time.  
11 Q You said approximately one year after you  
12 arrived; correct?  
13 A Yes.  
14 Q Okay. And when you became production  
15 manager, did you have any assistant managers working  
16 for you?  
17 A Yes. A Mexican.  
18 Q Who was that or those individuals who  
19 worked for you?  
20 A Eduardo.  
21 Q Do you know his last name?  
22 A I do not know the last name.  
23 Q And would you characterize him as an  
24 assistant manager?  
25 A Yes, he was.

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1 Q How did you become aware of the fact that  
2 you needed an extension?  
3 A You are talking about L-1?  
4 Q Uh-huh. Yes.  
5 A Mr. Cho informed me. That's why I knew  
6 about it.  
7 Q Now, you indicated when you came over to  
8 U. Lim America, you thought of it as a temporary  
9 assignment; is that correct?  
10 A Yes, it was.  
11 Q When did you, if ever, come to view it as  
12 a permanent assignment?  
13 A About that, the company did not make any  
14 decision about it.  
15 Q At any time?  
16 A Yes.  
17 Q Do you still consider yourself to be  
18 temporarily assigned to U. Lim America?  
19 A Yes, it is.  
20 Q You are married; correct?  
21 A Yes.  
22 Q Is your wife of Korean ancestor?  
23 A Yes.  
24 Q Did you meet her in Korea?  
25 A Yes.

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1 Q And did you have anybody working  
2 underneath you as quality control manager as an  
3 assistant manager or supervisor?  
4 A I did it.  
5 Q And you were in charge of the supervisory  
6 line of production; correct?  
7 A Yes.  
8 Q And what hours were the production lines  
9 in operation generally speaking?  
10 A From 7:30 to 5:35.  
11 Q You also frequently had the production  
12 lines working overtime; correct?  
13 MR. BATTENFELD: I'll object to the question as  
14 being ambiguous both as to time frame and with respect  
15 to the word "frequently."  
16 THE WITNESS: If you let me know what period.  
17 BY MR. GREY:  
18 Q Okay. When you first took over as  
19 production manager, the production lines -- their  
20 normal hours of operation were 7:30 to 5:35; is that  
21 correct?  
22 A Yes. It's correct.  
23 Q And you indicated that from 1994 to 1995  
24 approximately total sales nearly doubled or almost  
25 doubled or close to doubled; correct?

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1 correct?  
2 A Yes.  
3 Q And do you ever set overtime in advance  
4 on that monthly schedule?  
5 THE INTERPRETER: Would you repeat what you  
6 just said?  
7 BY MR. GREY:  
8 Q Do you ever set overtime in advance on  
9 that monthly schedule?  
10 A Yes. When we have lots of period, there  
11 are times when we do that.  
12 Q And when you set overtime in advance on  
13 your monthly schedule, do you set it for a particular  
14 block of time each day?  
15 A The overtime changes according to the  
16 status of a situation, therefore depends on the  
17 situation. Sometimes we set overtime schedule.  
18 Q What's the latest your production line  
19 ever stayed open working overtime?  
20 MR. BATTENFELD: I'll object that the question  
21 is ambiguous as to time frame. Do you have a time  
22 frame?  
23 MR. GREY: I'm talking about while he is a  
24 production manager the latest time.  
25 MR. BATTENFELD: Up to the present, or are you

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1 Q And the overtime that you scheduled would  
2 vary depending on the production needs; correct?  
3 A Yes.  
4 Q Okay. And the normal hours of operation  
5 for the production lines were 7:30 to 5:35; correct?  
6 A Yes.  
7 Q Now, if you schedule overtime on a given  
8 day, would you schedule overtime for all the  
9 production lines, one of the production lines, a  
10 specific number of production lines?  
11 A In Mexico there are not enough lines --  
12 overtime production line. What we do is we announce  
13 to everybody -- everybody who wants to have overtime.  
14 Then those who want to have overtime are remained  
15 after their regular time. Then we form overtime line.  
16 We do those who want to have overtime separate lines,  
17 not a particular line we designate for. So we use the  
18 people who want to have overtime, and then we form a  
19 new production line for those who want overtime in  
20 Mexico.  
21 Q Okay. And when you form this overtime  
22 production line, is there generally speaking a set  
23 length of time that that production line is in  
24 operation? So, for instance, if you are going to have  
25 overtime that day, is it usually done in a three-hour

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1 talking --  
2 MR. GREY: Up to the termination of Mr. Kang's  
3 employment.  
4 THE INTERPRETER: I don't understand your  
5 question.  
6 MR. BATTENFELD: Let me try and see if you can  
7 translate this.  
8 Correct me if I don't have this right.  
9 He's asking within the time frame of  
10 Mr. Kang's employment, which would be April '94 to  
11 February 2, '98, during that time frame the latest at  
12 night that Mr. Park can recall that production was  
13 running -- the production operations were running  
14 until he stopped, what was the latest stop time.  
15 Is that right?  
16 MR. GREY: Right.  
17 THE WITNESS: I think it was in 1996 to the  
18 first part of 1997.  
19 BY MR. GREY:  
20 Q Let me just try to clarify. I'm just  
21 trying to get to a simple answer so I'll understand  
22 your job and I'll understand the overtime. Okay?  
23 You were in charge of scheduling  
24 overtime; correct?  
25 A Yes.

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1 block, a one-hour block, a five-hour block, or can it  
2 vary anywhere in between?  
3 A No. Overtime hours are already made  
4 then. It means two hours overtime.  
5 Q So when you have overtime, it's done in a  
6 two-hour block; correct?  
7 A Yes. A day.  
8 Q So the overtime line would be in  
9 production from what hours on a given day?  
10 A 6:00 to 8:00.  
11 Q Okay. So when you have overtime, the  
12 overtime production lines will operate between 6:00  
13 and 8:00 p.m.; correct?  
14 MR. BATTENFELD: I believe his preface was  
15 typically.  
16 THE WITNESS: Yes.  
17 BY MR. GREY:  
18 Q Okay. And when the overtime production  
19 lines are in production, do all the U. Lim managers  
20 have to be at the plant, U. Lim America?  
21 MR. BATTENFELD: I'll object to the question as  
22 being ambiguous as to "all the U. Lim managers." Who  
23 are you referring to?  
24 MR. GREY: You can answer.  
25 MR. BATTENFELD: If you can since there has

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1 Q When a production line is running  
2 overtime on a given day, what is the need for the  
3 purchasing manager to be there while that production  
4 line is running overtime?  
5 MR. BATTENFELD: And I'll object that the  
6 question has been asked and answered.  
7 MR. GREY: You can answer.  
8 THE WITNESS: He was not just in charge of  
9 purchase, but also was in charge of warehouse.  
10 Therefore, it was not something I told him to stay. I  
11 think he volunteered to stay there.  
12 BY MR. GREY:  
13 Q For your production line to be working  
14 overtime, did you need Mr. Kang to be performing  
15 purchasing duties during that overtime period?  
16 A No.  
17 MR. BATTENFELD: I'll object to the question as  
18 being vague and ambiguous as to what you mean by  
19 "purchasing duties" whether you are excluding  
20 warehouse or inventory duties.  
21 MR. GREY: I am excluding warehouse and  
22 inventory duties.  
23 Q And you understood I was just talking  
24 about purchasing; correct?  
25 A Yes.

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1 Q For your production line to run overtime  
2 during the period of time -- that two-hour block that  
3 is running overtime, did you consider it necessary for  
4 Mr. Kang to be there due to his warehousing duties?  
5 A Yes, I did.  
6 MR. BATTENFELD: I'll let you know it is now  
7 5:37 due to the translator -- her earlier statement  
8 that she wanted to stop at 5:30.  
9 THE INTERPRETER: I am tired.  
10 MR. GREY: Okay. Well, we'll suspend the  
11 deposition to a set, convenient time once counsel gets  
12 back to his office and can give us an available date  
13 for the balance of the deposition and in accordance  
14 with Mr. Park's scheduling duties at U. Lim America.  
15 MR. BATTENFELD: I already stated that I  
16 believe next Monday is looking like an available day.  
17 MR. GREY: Okay. Well, I'll get back with you.  
18 I don't have my calendar. I think that is okay cause  
19 we scheduled, I believe, Tae Jin's for that day.  
20 Right?  
21 MR. BATTENFELD: Just to give you a fair  
22 warning, after Monday I won't be available until after  
23 the holidays.  
24 MR. GREY: Okay. Is that including Tuesday?  
25 MR. BATTENFELD: I'm leaving for vacation on

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1 Tuesday.  
2 MR. GREY: What's the date of that; do you  
3 know?  
4 THE INTERPRETER: Tuesday the 24th.  
5 MR. GREY: Tuesday the 24th?  
6 MR. BATTENFELD: 21st.  
7 MR. GREY: And you are coming back when?  
8 MR. BATTENFELD: I'll be back the 31st. But as  
9 a practical matter in terms of working days --  
10 MR. GREY: January the 3rd, Monday. Okay. And  
11 it's also my understanding based on other  
12 conversations that Tae Jin Yoon is not presently in  
13 the United States?  
14 MR. BATTENFELD: That's correct.  
15 MR. GREY: And you don't have any understanding  
16 as to when he will be back in the United States?  
17 MR. BATTENFELD: Right. He does not have a  
18 date certain for his return to the United States.  
19 MR. GREY: So based on that, you are not  
20 presently honoring the notice of taking deposition of  
21 Tae Jin Yoon?  
22 MR. BATTENFELD: Correct. At least not in the  
23 United States.  
24 MR. GREY: Well, do you want to fly to Korea?  
25 Is he in Korea?

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1 MR. BATTENFELD: Currently he's in Hungary, but  
2 his assignment is based in Korea right now.  
3 MR. GREY: Do you have any understanding of how  
4 long he's going to be in Hungary?  
5 MR. CHO: Maybe about two weeks.  
6 MR. GREY: I think that concludes today's  
7 deposition proceeding. The stipulation -- this brings  
8 up another point as to the correction of the  
9 deposition transcript for multiple volumes. Do we  
10 wish to have each volume corrected separately, or do  
11 you want to make a stipulation that the volumes will  
12 be corrected when all the depositions are concluded?  
13 MR. BATTENFELD: We've been previously doing it  
14 as a continuing obligation as each volume comes in.  
15 MR. GREY: I'm not sure I exactly understood  
16 that, but okay. With that in mind, we'll stipulate as  
17 follows: To relieve the court reporter of her duties  
18 under the code; that the original deposition  
19 transcript entitled volume I will be mailed to  
20 Mr. Park directly.  
21 MR. BATTENFELD: Why don't we have it mailed to  
22 me.  
23 MR. GREY: It will be mailed to counsel,  
24 Mr. Battenfeld's office.  
25 Mr. Park, you will have -- how many days

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3  
4 SOO CHEOL KANG, )  
5 Plaintiff, )  
6 vs. ) No. 99 CV659 JM (RBB)  
7 U. LIM AMERICA, INC.; TAE )  
8 JIN YOON, an individual; and )  
9 DOES 1 to 100, )  
10 Defendants. )  
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DEPOSITION OF SOON WAN PARK  
San Diego, California  
Monday, December 20, 1999  
Volume 2

Reported by:  
HEATHER M. COLLEY  
CSR No. 10693  
JOB No. 11730

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21 JAE CHO  
22  
23 Interpreter:  
24 THOMAS YU  
25 INTERPRETERS UNLIMITED

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3  
4 SOO CHEOL KANG, )  
5 Plaintiff, )  
6 vs. ) No. 99 CV659 JM (RBB)  
7 U. LIM AMERICA, INC.; TAE )  
8 JIN YOON, an individual; and )  
9 DOES 1 to 100, )  
10 Defendants. )  
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Deposition of SOON WAN PARK, Volume  
2, taken on behalf of Plaintiff, at 501  
West Broadway, Suite 1300, San Diego,  
California, beginning at 9:45 a.m. and  
ending at 5:40 p.m. on Monday, December  
20, 1999, before HEATHER M. COLLEY,  
Certified Shorthand Reporter No. 10693.

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1 A The latest about 10 o'clock, 10:00 p.m.  
2 Q And on that occasion when it went to 10:00  
3 p.m. or occasions, did you set the overtime for an  
4 additional shift for 8:00 to 10 o'clock?  
5 A Only the person who wants to be put in  
6 that schedule, yes.  
7 Q Okay. I am not asking now whether or not  
8 you are asking for volunteers or not. I am just saying  
9 that when you did schedule the overtime to go to 10:00  
10 p.m. for whoever persons you chose for whatever reason,  
11 did you set the schedule for 8:00 to 10:00?  
12 A Yeah. For any person to be in that  
13 schedule, they would be scheduled for overtime.  
14 Q On every -- strike that.  
15 Was it true that on every occasion that  
16 you scheduled overtime past 8:00 p.m. the overtime  
17 would continue until 10:00 or not?  
18 A We seldom have this overtime scheduled  
19 from 8:00 p.m. to 10:00 p.m. regularly. Only that  
20 occasion take place but once or twice a year when it is  
21 most really needed to have that overtime scheduled.  
22 Q But I am asking you when you did schedule  
23 the overtime, did it always go to 10:00 p.m.? So, in  
24 essence, did you always schedule it from 8:00 to 10:00  
25 when you had overtime past 8:00 p.m.?

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1 The question was: In 1995, to your best  
2 estimate, approximately how many times did you schedule  
3 or have overtime until 10:00 p.m. in 1995?  
4 A I cannot remember exactly how many times  
5 we had overtime past 10:00 p.m.  
6 MR. BATTENFELD: Could you hold on just a  
7 second.  
8 MR. GREY: Sure.  
9 MR. BATTENFELD: I think the part of his last  
10 answer was missed, but I don't think it's responsive to  
11 his question, so I think it's a moot point.  
12 MR. GREY: You mean translation?  
13 MR. BATTENFELD: Right.  
14 MR. GREY: Off the record.  
15 (Discussion off the record.)  
16 MR. GREY: Let's put this on the record. I  
17 don't know if it was noted before, but Mr. Cho is  
18 present as a representative of U. Lim, the company, as  
19 is Mr. Kang, the plaintiff. Both Mr. Cho and Mr. Kang  
20 speak Korean and will have an opportunity to listen to  
21 the translation and to the answer. So it's agreed,  
22 just so that we can make this deposition as accurate as  
23 possible, that if either party believes that  
24 translation may have been inaccurate --  
25 MR. BATTENFELD: Or incomplete I think is more

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1 MR. BATTENFELD: Just to help, are you asking  
2 did it sometimes go to 9:00 or 9:15 or 9:30?  
3 MR. GREY: Exactly.  
4 THE WITNESS: Yes, I scheduled for 8:00 p.m. to  
5 10:00 p.m.  
6 BY MR. GREY:  
7 Q Okay. So you would schedule in a block if  
8 you are going to schedule overtime?  
9 A Yes.  
10 Q And during 1994 approximately, how many  
11 times did you schedule overtime up to 10:00 p.m.  
12 A I cannot recall exactly what happened. It  
13 did happen probably once or twice in 1994.  
14 Q How about in 1995 when you indicated that  
15 the sales almost doubled?  
16 MR. BATTENFELD: I want to just remind the  
17 witness if he can give an estimate, that's acceptable,  
18 but he should not be guessing.  
19 THE WITNESS: I didn't have any set plan to have  
20 overtime in 1995 after 8:00 p.m.; but if such occasion  
21 took place, it was because the work site requires to  
22 have overtime.  
23 BY MR. GREY:  
24 Q Okay. You have to listen to my question.  
25 It doesn't directly answer the question asked.

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1 likely the case.  
2 MR. GREY: -- or incomplete, that they will make  
3 a notation and we will take a brief stop at that point  
4 to see if it can be clarified to make sure Mr. Park's  
5 answers are as correct as possible and the translation  
6 is correct as possible.  
7 MR. BATTENFELD: I realize if the answer in  
8 Korean, if it is lengthy, to get the entire question  
9 translated, I could ask -- is it Mr. Yu?  
10 THE INTERPRETER: Yes.  
11 MR. BATTENFELD: Is it easier for you, if  
12 there's a lengthy answer for the answer to be stopped  
13 in stages so you can translate?  
14 THE INTERPRETER: It sometimes helps.  
15 MR. BATTENFELD: Let us know when you think that  
16 would be helpful because I have -- I have noticed a  
17 couple --  
18 MR. GREY: And you will have to sort of take  
19 charge of that and speak with your witness and tell him  
20 to stop at some point in time.  
21 THE INTERPRETER: Okay.  
22 MR. GREY: Make sure you can get it all, because  
23 obviously we don't know how far you can go.  
24 THE INTERPRETER: All right.  
25 MR. BATTENFELD: Or just ask questions that

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1 there was no written weekly overtime schedule?  
2 A No, we didn't have that.  
3 Q Okay. And was there no written daily  
4 overtime schedule?  
5 A If there is any overtime, I usually notify  
6 verbally and nothing in writing particularly.  
7 Q Okay. So, then, is it correct to say that  
8 the only written overtime schedule was the monthly  
9 overtime schedule?  
10 A When I plan for the monthly work schedule,  
11 I usually not including anticipated -- or overtime  
12 schedule. Just the figure is generated based on the  
13 requirement from the salespeople how to carry out that  
14 work load with existing personnel. That's what I am  
15 concerned with, but not overtime included within that  
16 schedule.  
17 Q Would that monthly schedule ever include  
18 overtime in advance?  
19 A I did not include overtime schedule into  
20 that monthly schedule.  
21 Q So then it's correct to say that as you  
22 progressed through a given month that you would then  
23 verbally assign overtime either a week in advance or a  
24 day in advance, but there would be no written record of  
25 it; is that correct?

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1 A That is a correct statement.  
2 Q Okay. What records of any type would  
3 exist which would show the employee's of U. Lim Mexico  
4 working overtime during Mr. Kang's employment?  
5 THE INTERPRETER: You want me to repeat the  
6 question one more time in Korean again?  
7 MR. GREY: Okay.  
8 THE WITNESS: Any kind of record showing that  
9 overtime was scheduled and permitted, that sort of  
10 thing?  
11 BY MR. GREY:  
12 Q Any type of record that shows that the  
13 overtime was worked period during Mr. Kang's  
14 employment.  
15 A We are now maintaining the record for '98  
16 and '99 for the overtime schedule. But prior to those  
17 years, we did not have any record showing a schedule at  
18 all in our possession.  
19 Q Okay. When did you start maintaining the  
20 record in 1998?  
21 A Usually we keep the record for a period of  
22 about two years and after that we do not keep the  
23 record, but they are maybe stored in some other place.  
24 But right now what we have is a schedule for '98 and  
25 '99.

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1 Q Starting from January 1st of '98?  
2 A Yes, that is correct.  
3 Q Okay. And you indicate in your testimony  
4 that you kept records usually for two years; is that  
5 correct?  
6 A Each document is different. That is a  
7 different period, but most of the time kept for two  
8 years.  
9 Q Okay. And what documents are you  
10 referring to that are kept two years which would show  
11 the overtime work?  
12 A That is indicated on the paperwork showing  
13 the daily production record, report.  
14 Q Okay. And the daily production report  
15 actually has some space on it or column or some other  
16 location on that report which indicates overtime worked  
17 that day?  
18 A That record shows the time, time schedule  
19 difference and certain portion is indicating the actual  
20 number of the work performed and the overtime schedule.  
21 Q Okay. And where would the daily  
22 production records normally be kept?  
23 A Production people keep that.  
24 Q And are you referring to yourself?  
25 A Yes, that is correct.

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1 Q Okay. And after two years had passed,  
2 what would you do with a daily production report that  
3 was two years old?  
4 A Usually it's not required to keep certain  
5 period. After two years usually we discard from our  
6 maintaining the document from my authority.  
7 Q Okay. So would you personally discard or  
8 destroy those documents?  
9 A That's right.  
10 Q I am not sure whether or not you indicated  
11 this. But do you presently have those documents for  
12 January of '98?  
13 A Yes, I do keep that.  
14 Q When you say you would discard these  
15 documents, do you have any particular time of the year  
16 that you normally go through that process? So for  
17 instance do you discard the documents in January or do  
18 you discard the documents throughout the year as they  
19 become two years old?  
20 A For that question, I didn't have any  
21 particular schedule to discard over period document,  
22 but I told my personnel that anything reached over two  
23 years period, they can either discard or use the  
24 backside of that paper for a rough draft or a rough  
25 writing. So anything we keep right now is from January

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1 amount of overtime that Mr. Kang worked; is that  
2 correct?  
3 A Yes.  
4 Q Okay. When did you become aware of that  
5 to your best estimate?  
6 A I do not recall exactly.  
7 Q Well, you became aware of it at least at  
8 the point when Mr. Cho read you portions of the  
9 complaint; is that correct?  
10 A I do not recall exact date. However, I  
11 have been hearing about this complaint over the  
12 overtime, yes.  
13 Q And did you hear about this complaint  
14 approximately the spring of 1999?  
15 A Yeah. I heard this year. I don't know  
16 exactly months, but I heard this year.  
17 Q But was it in the spring in the earlier  
18 part of this year?  
19 A I believe so.  
20 Q Okay. And knowing that there was an issue  
21 with respect to overtime, did you take any action to  
22 save the daily production records for 1997?  
23 A No, I was not particularly intending to do  
24 anything about it.  
25 Q Okay. So the answer is no?

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1 A No.  
2 Q Okay. Did anybody instruct you that you  
3 should try to save the 1997 daily production reports or  
4 that you should destroy them, either one?  
5 A No, I have not heard either way.  
6 Q Do you know whether or not there would be  
7 any payroll records with respect to the amount of  
8 overtime worked at U. Lim Mexico?  
9 A I don't know exactly how the department  
10 handling the payment, the employee payment, I don't  
11 know.  
12 Q Do you know who handles the payroll for U.  
13 Lim America and U. Lim Mexico?  
14 A There's a gentleman called Mr. Cho.  
15 Q When you are referring to Mr. Cho, are we  
16 referring to the Mr. Cho --  
17 A Yes.  
18 Q -- who is here today?  
19 A Yes.  
20 Q Did you always work while overtime was  
21 ongoing?  
22 MR. BATTENFELD: Just for clarification, you are  
23 referring to some -- or when some of the production  
24 workers were working overtime?  
25 MR. GREY: Yes, I am.

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1 THE WITNESS: Yes, I was.  
2 BY MR. GREY:  
3 Q And when you had an assistant manager for  
4 production, did they also always work while the  
5 production line was working overtime?  
6 MR. BATTENFELD: Object to the question as being  
7 ambiguous as to time frame and are you referring to the  
8 time period of Mr. --  
9 MR. GREY: Yeah, Mr. Kang's employment period.  
10 MR. BATTENFELD: So the period is basically '94  
11 until February 2, 1998.  
12 THE WITNESS: Sometime the person present;  
13 sometime not present during the overtime period.  
14 BY MR. GREY:  
15 Q Okay. Was there any policy?  
16 MR. BATTENFELD: Can we just stop for a minute.  
17 Mr. Cho is indicating that my objections or  
18 clarifications are not necessarily being consistently  
19 translated. So if I could request that that --  
20 MR. GREY: We pay extra for that.  
21 MR. BATTENFELD: Do you understand, Mr. Yu --  
22 THE WITNESS: Yes, I try my best to do that.  
23 MR. BATTENFELD: If you haven't had an  
24 opportunity to translate my objection or my  
25 clarification, tell me and I will repeat it so it can

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1 be translated. But everything needs to be translated,  
2 not just the questions.  
3 MR. GREY: Do you want to take a break here?  
4 MR. BATTENFELD: Yeah.  
5 (Recess.)  
6 BY MR. GREY:  
7 Q Mr. Park, you indicated that sometimes the  
8 assistant managers would work during overtime and  
9 sometimes not; correct?  
10 A Yes, that's correct.  
11 Q Okay. Was there any policy either written  
12 or verbal or understood with respect to those assistant  
13 managers should be working during the overtime hours?  
14 MR. BATTENFELD: Object to the question as being  
15 ambiguous with respect to the word "policy."  
16 THE WITNESS: No.  
17 BY MR. GREY:  
18 Q Okay. Do you -- you understand the term  
19 "policy," do you not?  
20 A Yes.  
21 Q Raul Carillo was one of your assistant  
22 managers; correct?  
23 A Several of them.  
24 Q But he was one of them?  
25 A Hispanic person, Mexican?

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1 instruct the witness to limit his response with respect  
2 to Mr. Cheong to the time period until February 2,  
3 1999.  
4 BY MR. GREY:  
5 Q Do you understand the question?  
6 A Yes. He understood the question.  
7 I understand the question.  
8 Q And the answer?  
9 A I didn't instruct him to stay with the  
10 production line at all including overtime.  
11 Q You did not instruct them?  
12 A No.  
13 Q Okay. But you were their boss; correct?  
14 A Yes.  
15 Q Okay. So you had some control or  
16 influence over their working hours; correct?  
17 A That's correct.  
18 Q Okay. So as their boss, did you expect  
19 them as part of their job duties to be working at the  
20 company while the production lines were running  
21 including overtime production?  
22 A No. It's not exactly mandatory that they  
23 have to be with the work forces.  
24 Q I am not asking you whether or not it's  
25 mandatory or whether or not there may be an occasion

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1 longer -- translate that -- when I refer to you "U.  
2 Lim," I will be referring to U. Lim Mexico and U. Lim  
3 America. If I am referring to U. Lim Korea, I will  
4 specifically state that. And if in giving your answer,  
5 you feel the need to clarify between U. Lim Mexico and  
6 U. Lim America, would you please do that. Do you  
7 understand?  
8 A Yes.  
9 Q Okay. So from the time you were employed  
10 by U. Lim, U. Lim America to the present, have you  
11 reported directly to Tae Jin Yoon?  
12 A Yes, that's correct.  
13 MR. BATTENFELD: You are asking up to the  
14 present?  
15 MR. GREY: Up to the present.  
16 MR. BATTENFELD: Did the witness understand  
17 that, up to the present?  
18 THE WITNESS: Yes.  
19 BY MR. GREY:  
20 Q So still presently you report to Tae Jin  
21 Yoon; correct?  
22 A Right now different.  
23 Q Okay. When did that change?  
24 A This year sometime, but I do not recall  
25 the date.

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1 when they would not be there. What I am asking you is  
2 as their boss, as part of their regular duties, did you  
3 expect them to be there?  
4 A Yes, I expect and I hope they do carry out  
5 their duties.  
6 Q And that duty being to be supervising the  
7 production lines during overtime operation; correct?  
8 A Yes, that's correct.  
9 Q Okay. And it's correct that during 1994  
10 you reported directly to Tae Jin Yoon; correct?  
11 A Yes.  
12 Q And during 1995 you reported to Tae Jin  
13 Yoon directly; is that correct?  
14 A Yes.  
15 Q And the same question for 1996?  
16 A Yes.  
17 Q And the same question for 1997?  
18 A Yes.  
19 Q And is it true that from the first date of  
20 your employment to the present you have always reported  
21 directly to Tae Jin Yoon; correct?  
22 A From the -- from my employment or ever  
23 since I arrived in Mexico? Which one?  
24 Q Just to make it simpler for this  
25 deposition so I don't have to make the questions

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1 Q What's your best estimate?  
2 A I do not recall, exactly.  
3 Q Was it in the spring, summer, fall? Can  
4 you give me some estimate?  
5 A Spring of this year.  
6 Q Were you still reporting to Tae Jin Yoon  
7 when you first went to the attorney's office with Tae  
8 Jin?  
9 A He was not my direct boss, no.  
10 Q Who was your direct boss?  
11 A Mr. Cho was my direct boss.  
12 Q When did Mr. Cho become your direct boss?  
13 A That happened ever since I came to Mexico  
14 and it has been the same way ever since.  
15 Q So ever since you came to Mexico, you  
16 reported directly to Mr. Cho?  
17 A Yes.  
18 Q Are you sure about that?  
19 A He was one grade higher than I was, so I  
20 say he was my boss.  
21 Q When you say "one grade higher," what do  
22 you mean?  
23 A Okay. I don't know. But when I came here  
24 with the position, he was one position over me. And  
25 when I promoted one step higher, he is also, again, one

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1 MR. GREY: Read it back.  
2 (Record read.)  
3 BY MR. GREY:  
4 Q I will rephrase it.  
5 In this meeting you each report  
6 individually to Tae Jin Yoon; correct?  
7 A Yes.  
8 Q And then he would comment on each of your  
9 own individual reports; correct?  
10 A Yes.  
11 Q Okay. Before these daily meetings  
12 occurred, did you meet with Mr. Kang or Mr. Cho or both  
13 of them to go over your previous day's production  
14 reports?  
15 MR. BATTENFELD: Object to the question as  
16 vague, overbroad and ambiguous as to time frame.  
17 BY MR. GREY:  
18 Q You can answer.  
19 A You are talking about we had to talk prior  
20 to meeting?  
21 Q Yes.  
22 A No, we didn't have any particular meeting.  
23 Q Okay. So normally your first meeting of  
24 the day between any of the managers would normally  
25 occur when you had that morning meeting with Tae Jin

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1 Yoon; is that correct?  
2 A That's right. We didn't have any separate  
3 meeting.  
4 Q Okay.  
5 A That's the meeting that we attend in the  
6 morning.  
7 Q Did you have any authority to hire or fire  
8 at U. Lim without Tae Jin Yoon's approval?  
9 A For the production employees, yes, I did  
10 have authority, yes.  
11 Q Okay. And so just to be clear, you are  
12 saying that you had the authority to hire people for  
13 the production line; is that correct?  
14 A That's right.  
15 Q Okay. Did you have authority to hire or  
16 fire people who were assistant manager level?  
17 A That's something I have to get approved --  
18 Q Okay.  
19 A -- prior to taking action.  
20 Q Okay. Does that include having to get  
21 approval prior to hiring a Mexican supervisor for U.  
22 Lim Mexico?  
23 A Okay. Say that again, please.  
24 Q Okay. You indicated that to hire an  
25 assistant manager level person you needed to get

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1 authority from Tae Jin Yoon; correct?  
2 A Yes.  
3 Q And my question to you is basically to  
4 clarify. Does that mean assistant managers for both U.  
5 Lim Mexico and U. Lim America?  
6 A Not up to assistant manager, no.  
7 Q Okay. I am almost there. So for U. Lim  
8 Mexico, even an assistant manager you needed to get  
9 authority to hire; correct?  
10 A Yeah, up to assistant manager, yes.  
11 Q Okay. And, to the best of your knowledge,  
12 was Mr. Kang under the same limitations with respect to  
13 the ability to hire and fire?  
14 A It's in the purchasing department, perhaps  
15 that's the way it was.  
16 Q Okay. I am saying, to the best of your  
17 knowledge, if you have knowledge, do you believe that  
18 Mr. Kang also could not hire assistant manager level  
19 and above persons without Tae Jin Yoon's approval?  
20 A I still don't quite clearly understand the  
21 question.  
22 Q Why don't we do it this way. Have you  
23 ever known an occasion where Mr. Kang hired anyone who  
24 was an assistant manager or above without first  
25 obtaining Tae Jin Yoon's approval?

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1 A As far as I know, he never had such  
2 occasion.  
3 Q Okay. To the best of your knowledge, did  
4 Mr. Cho have to get authority from Tae Jin Yoon before  
5 hiring anyone who was assistant manager or higher?  
6 A Yeah.  
7 MR. BATTENFELD: Object to the question as being  
8 ambiguous as to time frame.  
9 BY MR. GREY:  
10 Q So the answer is, to the best of your  
11 knowledge, you believe Mr. Cho also had to seek Tae Jin  
12 Yoon's approval for hiring or firing?  
13 A Yes, that's correct answer.  
14 Q Okay. Do you, during Mr. Kang's  
15 employment, believe that Mr. Cho had the ability to  
16 fire you without Tae Jin Yoon's approval?  
17 THE INTERPRETER: I'm sorry. I lost the  
18 question.  
19 BY MR. GREY:  
20 Q Okay. During the period of Mr. Kang's  
21 employment, were you ever of the belief that Mr. Cho  
22 had the authority to fire you?  
23 A No.  
24 Q Okay. You indicated that approximately in  
25 the spring of this year you stopped reporting directly

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1 A Well, he had some confusion because --  
2 there is an office space -- an office designated for  
3 Tae Jin Yoon and while he is doing some other things,  
4 there is another higher ranking officer from the  
5 company someone that came from Korea and who is using  
6 the office space, Tae Jin Yoon's office space.  
7 Q Who is occupying Tae Jin Yoon's office?  
8 A You know, probably Kim Your Kil. He is a  
9 member of board of director.  
10 Q Do you know the title of Mr. Kim?  
11 A Known as board of director in English.  
12 Q Has he physically occupied that office  
13 since you opened the new plant?  
14 A Yes.  
15 MR. BATTENFELD: Can we read back the question  
16 again so we understand. I don't want to have anymore  
17 confusion. The question is whether this other  
18 individual has been in that office since approximately  
19 April of 1999 when the new facility opened or whether  
20 he has been in that office since some later date.  
21 THE WITNESS: It's just temporarily being used  
22 by Yoon, the person that came from Korea, the board of  
23 director members.  
24 BY MR. GREY:  
25 Q Okay. That almost answers the question.

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1 A No.  
2 Q Okay. Is Tae Jin Yoon's name on the door  
3 or outside of the door?  
4 A No.  
5 Q Okay. Who occupied that office before  
6 Mr. Kim, if anyone? I am talking about physically  
7 being in the office.  
8 A It mostly has been empty. I mean,  
9 unoccupied, rather. Once in a while Mr. Yoon stop by.  
10 Q Okay. When you started your employment in  
11 1994, did Mr. Yoon come to the factory almost every  
12 day?  
13 MR. BATTENFELD: Object to the question as being  
14 ambiguous with respect to the phrase "almost every day"  
15 as to what you are referring to.  
16 BY MR. GREY:  
17 Q Do you understand the question?  
18 A Yes, I understand the question.  
19 Q Okay. And was he there almost every day?  
20 A Up to when?  
21 Q When you started your employment.  
22 A It was '94.  
23 Q Right.  
24 A Up to what period are you talking about?  
25 Q Just when you started your employment,

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1 But since the plant opened in  
2 approximately April of 1999, has Mr. Kim physically  
3 been in that office since the plant opened.  
4 MR. BATTENFELD: I don't think it's been  
5 translated. That's where there may be the confusion  
6 here as to whether that means -- your question was  
7 whether Mr. Kim --  
8 MR. GREY: Right.  
9 MR. BATTENFELD: I think it was when Mr. Yoon --  
10 MR. GREY: Let me do this -- and take your time  
11 and you take your time.  
12 Q Since you moved into the new office in  
13 approximately April of 1999 --  
14 A Yes.  
15 Q -- has Mr. Kim physically occupied Tae Jin  
16 Yoon's office since that time?  
17 MR. BATTENFELD: You mean starting in April?  
18 MR. GREY: Right.  
19 THE WITNESS: Kim started using the office space  
20 starting August of 1999.  
21 BY MR. GREY:  
22 Q Okay.  
23 A That's the time he apparently came.  
24 Q Is Mr. Kim's name on the door or on just  
25 outside the door?

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1 generally the period around the beginning of your  
2 employment, was Mr. Yoon there on a daily basis?  
3 MR. BATTENFELD: Objection consistent with the  
4 witness's request for clarification is that still  
5 hasn't been given which is over what time frame the  
6 question is referring to.  
7 MR. GREY: Okay. In 1994.  
8 THE WITNESS: With the exception of the period  
9 he was engaged in some trip abroad or trip to place, he  
10 made a daily visit to the plant.  
11 BY MR. GREY:  
12 Q Okay. And as you understood, in 1994 he  
13 was the person in charge of the plant; correct?  
14 A Yes.  
15 Q Okay. I assume -- and tell me if I am  
16 wrong -- that for 1995, '96 and 1997, Mr. Yoon, except  
17 when he was away on a business trip, was there almost  
18 every day?  
19 MR. BATTENFELD: Again, I will object to the  
20 phrase "almost every day" as being ambiguous as to  
21 whether you are referring to working days.  
22 MR. GREY: I will clarify it.  
23 Q For Monday through Friday.  
24 A Yes.  
25 Q Okay. And during that period you

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1 report to Mr. Cho.  
2 Q And would you just submit that report in  
3 written form?  
4 A Yes, I did make a report.  
5 Q Okay. Do you know whether or not Tae Jin  
6 Yoon is presently employed by U. Lim America?  
7 A Yes, he is.  
8 Q Okay. Is he employed also by U. Lim  
9 Mexico, if you know, presently?  
10 A Yes.  
11 Q Okay. And what's Mr. Cho's current title  
12 at U. Lim America?  
13 A He is known as the general manager.  
14 Q Is there anybody above Mr. Cho presently  
15 at U. Lim America who physically resides at U. Lim  
16 America?  
17 A There is one called Mr. Yoon.  
18 Q Which Mr. Yoon?  
19 A Tae Jin Yoon.  
20 Q Is it not true that Tae Jin Yoon is not  
21 really physically located anymore at the new plant?  
22 A Not on a daily basis, no.  
23 Q Is Mr. Cho in charge of the U. Lim plant  
24 in Mexico on a daily basis?  
25 A Yes.

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1 Q Is he doing basically the same job Tae Jin  
2 Yoon used to do when Tae Jin Yoon was there on a daily  
3 basis?  
4 A Yes, that's correct statement.  
5 Q Okay. And do you understand that Mr. Cho  
6 does have hiring and firing authority for people of a  
7 managerial level?  
8 A He does have authority, I believe, but he  
9 is also consulting with his boss and take action.  
10 Q Okay. Who do you understand that he  
11 consults with now as his boss?  
12 A Tae Jin Yoon.  
13 Q And does he consult with Tae Jin Yoon  
14 telephonically?  
15 A I don't know how he does it.  
16 Q Well, Tae Jin Yoon is not at the plant;  
17 correct?  
18 A Yes.  
19 Q Okay. So does he meet Tae Jin Yoon at  
20 another location or does he speak with him over the  
21 telephone?  
22 MR. BATTENFELD: Or through some other means of  
23 communication. Those aren't the exclusive means of  
24 communications.  
25 MR. GREY: Any other one that you are thinking

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1 of?  
2 MR. BATTENFELD: Well --  
3 THE WITNESS: I don't know what method he is  
4 using, but he does consult with Tae Jin Yoon.  
5 BY MR. GREY:  
6 Q Do you know if he consults with him on a  
7 daily basis?  
8 MR. BATTENFELD: Object to the question as  
9 calling for speculation.  
10 THE WITNESS: I don't know.  
11 MR. GREY: Do you want to take a break here?  
12 MR. BATTENFELD: Yeah.  
13 (Lunch recess taken from 12:40 p.m.  
14 to 1:30 p.m.)  
15 BY MR. GREY:  
16 Q You understand we are continuing your  
17 deposition, so it's under oath?  
18 A Yeah.  
19 Q Okay. You indicated that you were both  
20 production manager and quality control manager;  
21 correct?  
22 A Yes.  
23 Q And as production manager, what was  
24 fundamentally your duties?  
25 A You are talking about what particular duty

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1 in production?  
2 Q Well, as production manager, how would you  
3 describe your job duties overall?  
4 A I control and direct the productions which  
5 was based on PO, purchasing order, I believe.  
6 Q And you are referring now to the  
7 purchasing orders from the customers; correct?  
8 A Yeah, that's correct.  
9 Q Were all or most of your parts that went  
10 into production supplied by U. Lim Korea?  
11 A That's correct.  
12 Q And what were your duties as quality  
13 control manager?  
14 A I was supervising and controlling the  
15 items shipping in and shipping out and production  
16 around the production line.  
17 MR. BATTENFELD: Can you read that back.  
18 (Record read.)  
19 BY MR. GREY:  
20 Q As quality control manager, you would take  
21 samples of the items you were producing to determine  
22 whether or not they met specifications?  
23 A Yes.  
24 Q And generally speaking, what were the  
25 major types of items produced by U. Lim America?

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1 work you have had to do for U. Lim?  
2 MR. BATTENFELD: Object to the question as  
3 overbroad and ambiguous with respect to the time frame  
4 and ambiguous with respect to the phrase substantial  
5 increase.  
6 THE WITNESS: He don't say that the work load  
7 has been increased during those periods.  
8 BY MR. GREY:  
9 Q It has not?  
10 A Has not been.  
11 Q Is that correct?  
12 A Yes, that's right. That's what I said.  
13 Q What time would you normally arrive at  
14 work in 1994?  
15 A I usually report to work at 7 o'clock in  
16 the morning.  
17 Q Okay. And on a Monday through Friday when  
18 would you normally leave in 1994?  
19 MR. BATTENFELD: You are asking about 1994?  
20 MR. GREY: Right.  
21 THE WITNESS: Most of the time I went home  
22 7 o'clock p.m., but unless there is no overtime or  
23 excess work.  
24 BY MR. GREY:  
25 Q So your testimony is, then, that when

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1 there was not overtime, you normally left at 7:00 p.m.;  
2 is that correct?  
3 A That's right.  
4 Q Okay. Was there ever a second shift, not  
5 overtime, but an actual second shift for employees  
6 working the production lines?  
7 A We did have a second shift, yes.  
8 Q Okay. And what were the hours of the  
9 second shift?  
10 A Normally started from 8:30 p.m. to 5:00  
11 a.m. next morning.  
12 Q When did this second shift -- when did you  
13 begin having this second shift?  
14 A The end of 1997, the later part I should  
15 say.  
16 Q And who would supervise the production  
17 line to 5:00 a.m. in the morning?  
18 A I believe the person under me was assigned  
19 for that duty.  
20 Q When you use the word you believe, don't  
21 you know who supervised the line during the second  
22 shift?  
23 A One person named Chae, a Korean employee.  
24 Q What was the name?  
25 A C-h-a-e, maybe, was assigned for that

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1 position, supervisorial duty in the morning.  
2 Q Was he an assistant manager in production?  
3 A We didn't give them a title like that, but  
4 acted as assistant manager.  
5 Q And he was directly under you; correct?  
6 A Yes.  
7 Q And he was in charge of supervising the  
8 second shift?  
9 A Yes. Correct.  
10 Q What caused you to begin to operate a  
11 second shift in the end of 1997?  
12 A We decided to start the second shift  
13 because with the existing production rate, we are not  
14 fully satisfied the buyer's request.  
15 Q So when you say you are not satisfying the  
16 buyer's request, are you saying that you had more  
17 orders than you could fill?  
18 A That is a correct statement.  
19 Q And prior to starting the second shift at  
20 the end of '97, if you needed to fill those customer  
21 orders, then you would use overtime to do that?  
22 A Say the question again, please.  
23 Q Okay. Prior to beginning or starting up  
24 the second shift, if you had orders that you could not  
25 fill via the normal production hours, you would assign

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1 overtime to try to fill those orders?  
2 A That's correct.  
3 Q And isn't it true that because you had a  
4 need for this second shift that prior to that you were  
5 regularly assigning people to overtime?  
6 MR. BATTENFELD: Object to the question as being  
7 ambiguous as overbroad and ambiguous as to time frame  
8 and as to the word "regularly."  
9 THE WITNESS: I didn't fully understand the  
10 question.  
11 BY MR. GREY:  
12 Q Okay. You said you began the second shift  
13 in 1997, the end of 1997?  
14 A Yes.  
15 Q And you made the decision to begin a  
16 second shift because U. Lim was very busy; correct?  
17 A Yes.  
18 Q Okay. And you were -- U. Lim was no  
19 longer capable of meeting the customer orders with the  
20 one shift; correct?  
21 A Well, if I have to explain in a little  
22 more detail about why the second shift position came  
23 about it was not overall production requirement by U.  
24 Lim, but that there was a certain buyer who had a  
25 little problem with U. Lim and in order to cope with

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1 approximately 50 to 60 production workers; correct?  
2 A Yes.  
3 Q What were their regular work hours?  
4 MR. BATTENFELD: By that, you mean excluding  
5 overtime?  
6 MR. GREY: Excluding overtime.  
7 THE WITNESS: 48 hours per week.  
8 BY MR. GREY:  
9 Q Was there a one-hour lunch break every  
10 day?  
11 A Yes.  
12 Q Was that the regular work hours that those  
13 employees maintained for '95, '96 and '97 excluding  
14 second shift?  
15 A Yeah, we maintained the same time  
16 schedule.  
17 Q Okay. Now, you indicated that Monday  
18 through Friday your regular works were 7:00 a.m. to  
19 7:00 p.m.; correct?  
20 A From 7:30 to 5:30 Monday through Friday.  
21 MR. BATTENFELD: You are asking about the  
22 production hours?  
23 MR. GREY: No. I am asking him about his  
24 hours.  
25 BY MR. GREY:

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1 was riding with him.  
2 Q Okay. Who did you commute with after Soo  
3 Kang?  
4 A I believe I obtained a driver's license  
5 after that.  
6 Q Do you recall ever commuting with anybody  
7 other than Soo Kang?  
8 MR. BATTENFELD: And Mr. Kwak?  
9 MR. GREY: And Mr. Kwak.  
10 THE WITNESS: After -- besides those people, I  
11 had some arrangement with Mr. Cheong for the car pool  
12 with a certain date prearranged.  
13 BY MR. GREY:  
14 Q And when there was overtime to 8:00 p.m.,  
15 what time did you normally leave?  
16 A About 9 o'clock I went home.  
17 Q And when there was overtime to 10:00 p.m.,  
18 what time would you normally leave?  
19 A About 11 o'clock.  
20 Q When you and Mr. Kang were commuting  
21 together, that would mean that he would leave at the  
22 same time as you; correct?  
23 A Yeah, we left the company together, same  
24 time.  
25 Q Did you ever have an occasion where you

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1 Q I will ask it again. I believe you  
2 previously stated that Monday through Friday the  
3 regular time you would be at work was between 7:00 a.m.  
4 and 7:00 p.m.; is that correct?  
5 A Okay. To be correct, I started work at 7  
6 o'clock and I usually go home at 6 o'clock unless there  
7 is any overtime. And that time 7 o'clock I mentioned  
8 earlier p.m. was the time I reached home.  
9 Q It 1994 you didn't have a driver's  
10 license; correct?  
11 A Yes, that's correct.  
12 Q Okay. You had to commute with someone;  
13 correct?  
14 A Yes.  
15 Q Who did you normally commute with in 1994?  
16 A Mr. K-w-a-k, J-o H-w-a-n.  
17 Q He was only there for a short time in  
18 1994; correct?  
19 A Not exact time period, but he was there a  
20 few months.  
21 Q Okay. Who did you commute with after Kwak  
22 left?  
23 A Mr. Kang.  
24 Q How long did you commute with Soo Kang?  
25 A I don't recall exact period in time that I

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1 had to stay overnight at the company?  
2 A That happened when Sony audit. I had to  
3 prepare for the audit.  
4 Q When Sony did this audit, how many nights  
5 did you have to stay over at the company?  
6 A Only one day.  
7 Q By that we mean one night; correct?  
8 A Yes.  
9 Q When did this occur?  
10 A I believe either '96 or '97. I am not  
11 sure of the date.  
12 Q From the period of time of 1994 to  
13 February of '98, did you ever have any other occasions  
14 where you had to stay overnight at the facility?  
15 A No, there's none.  
16 Q Did you ever have to arrive at the  
17 facility earlier than 7:00 a.m. during the period of  
18 Mr. Kang's employment?  
19 A You said I report to company before  
20 7 o'clock in the morning?  
21 Q Yes.  
22 A Well, I mainly kept the 7:00 time for the  
23 reporting to work.  
24 Q Okay. But my question to you was did you  
25 ever have to report to work earlier than that?

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1 Q Okay. You indicated that in 1996 you  
2 recall approximately 20 times where you assigned  
3 overtime; is that correct?  
4 A I don't know exact number of the  
5 overtimes, but that's something I stated, yes.  
6 Q We are talking about assigning overtime  
7 for a 6:00 to 8 o'clock block?  
8 A How many people was assigned to that  
9 block; is that what you mean?  
10 Q No. I am just laying the foundation for  
11 the next question.  
12 When you would assign overtime for that  
13 6:00 to 8:00 block, okay, approximately how many of the  
14 people would you assign to overtime?  
15 A It's not a set number, but about 20 to 30  
16 people.  
17 Q So a little less than half the total  
18 number of people you had working for you in 1996; is  
19 that correct?  
20 A Yes, slightly less than half.  
21 Q And when you assigned overtime during that  
22 period same period 1996 for the 8:00 to 10:00 shift,  
23 approximately how many people would you assign on  
24 average for that shift?  
25 A About 20 to 30 people again. Again, based

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1 on personal approval or acknowledgment over assigning  
2 to the overtime.  
3 Q Okay. But approximately the same number;  
4 is that correct?  
5 A Yes.  
6 Q And for 1997 is it approximately the same  
7 number of people you assigned for overtime then too?  
8 A Yes, about the same.  
9 Q And that would apply to the 8:00 to 10:00  
10 shift as well; correct?  
11 A Yes.  
12 Q Okay. Did you ever have any set work that  
13 you needed to accomplish at the end of the day when the  
14 production line finally closed?  
15 A Set the new standard for deciding that.  
16 Q Let me reask the question.  
17 A You indicated that you generally needed to  
18 be there when production lines were running; correct?  
19 A Yes.  
20 Q And this included over time; correct?  
21 A Yes.  
22 Q Okay. At the conclusion of the regular  
23 shift or the overtime shift that you were staying for,  
24 was there any particular work that you needed to do at  
25 the end of that shift before you could leave the

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1 facility?  
2 A You mean after the production lines  
3 stopped?  
4 Q Yes.  
5 A No. No such details.  
6 MR. BATTENFELD: Just a second.  
7 (Recess.)  
8 BY MR. GREY:  
9 Q Did U. Lim ever experience a gas leak at  
10 the facility?  
11 A Gas leak?  
12 Q Yes.  
13 A Yes.  
14 Q Okay. And how many times did U. Lim  
15 experience that problem?  
16 A About twice, two times.  
17 Q And this gas leak, was it affecting the  
18 workers in any way?  
19 A Yes.  
20 Q Did it in fact cause many workers to  
21 faint?  
22 A Some people fainted as a matter of fact  
23 and some of them went to hospital to get further  
24 examination and treatment.  
25 Q And when did these gas leaks occur?

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1 A I do not recall the year of that incident.  
2 Q Can you give me your best estimate when  
3 the first one occurred?  
4 A I cannot estimate.  
5 Q Okay. Were the gas leaks close in time  
6 together?  
7 A It was an interval between those two  
8 incidents.  
9 Q Did you have the same problem for both  
10 incidents where people were fainting and had to go to  
11 the hospital?  
12 A The first one was the worst and the second  
13 one was less worst than the first one.  
14 Q How did you first become aware of the gas  
15 leak the first time?  
16 A One of the supervisors came to me and  
17 reported that people were having trouble because of the  
18 gas leak, the smell.  
19 Q Which supervisor was that?  
20 A I cannot recall the exact name.  
21 Q Did you convey this information to Tae Jin  
22 Yoon?  
23 A I don't recall whether Tae Jin Yoon was in  
24 the company in the plant or not. I don't recall.  
25 Q When you were first told about this gas

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1 specifically who you are referring to in terms of being  
2 yelled at.  
3 BY MR. GREY:  
4 Q It refers to the yelling and we are  
5 referring to the yelling at you.  
6 A You mean yelling at -- yelling at him --  
7 yelling at me rather more than one hour?  
8 Q Yes.  
9 A That's what he said?  
10 Q Yes.  
11 A There have been no such incidents.  
12 Q No such occasions where you have been  
13 yelled at for more than an hour by Tae Jin Yoon?  
14 A No, that's correct.  
15 Q Have there been any occasions where you  
16 have been yelled at more than half an hour by Tae Jin  
17 Yoon straight?  
18 A How long the yelling took place, I do not  
19 recall at that incident.  
20 Q Okay. So it could have been a half an  
21 hour on occasion?  
22 A You mean doing nothing but the yelling for  
23 30 minutes, that's what you are referring?  
24 Q Yes.  
25 A No, no such incident.

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1 Q Well, just the longest period of time that  
2 you remember him continuously yelling at you during the  
3 period of Mr. Kang's employment.  
4 A I don't recall Tae Jin Yoon continually  
5 yelling at me long period or I recall maybe it was a  
6 few minutes, yelling. But after that he also tried to  
7 convince us, explained to us and teaching us what to do  
8 on our duty, performance of a duty.  
9 Q How long did these daily meetings usually  
10 last?  
11 A Unless there is something extra ordinary,  
12 meeting was usually ended within an hour.  
13 Q That would be the normal length of the  
14 meeting, one hour?  
15 A About one hour.  
16 Q Okay. And the three of you would be  
17 present during that time?  
18 A Yes.  
19 Q Do you ever recall Tae Jin Yoon yelling at  
20 Mr. Kang for more than 15 minutes straight?  
21 A I don't recall.  
22 Q Okay. Is that no or you don't have a  
23 recollection?  
24 A I personally didn't notice or witness he  
25 was yelling at Mr. Kang more than 15 minutes.

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1 Q Okay. Did Mr. Yoon ever throw your  
2 production report at you during any of these daily  
3 meetings?  
4 A Yeah, I recall an occasion he threw the  
5 document toward me. Well, I shouldn't say he threw the  
6 thing down on the floor or in front of him. Not to me  
7 personally.  
8 Q Did the production report ever hit you?  
9 A No.  
10 Q Did he ever throw a file folder at you?  
11 A Yeah, occasionally he threw that thing to  
12 the floor.  
13 Q Did he ever throw it at you?  
14 A No, that didn't happen.  
15 Q Was there ever an occasion where you saw  
16 Mr. Yoon throw a report or other documents at Mr. Kang?  
17 A No, I personally didn't witness that.  
18 Q Okay. Did you ever see an occasion where  
19 he threw a file folder at Mr. Kang?  
20 A No. No.  
21 Q Have you ever seen an occasion where  
22 Mr. Kang through anything at Mr. Cho?  
23 A What time frame are we talking about?  
24 Q During Mr. Kang's employment. At any  
25 time.

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1 MR. BATTENFELD: So you are including after his  
2 employment ended?  
3 MR. GREY: Yeah.  
4 THE WITNESS: I believe some occasion they were  
5 arcing and Mr. Kang threw something.  
6 BY MR. GREY:  
7 Q Did you ever personally see him throw  
8 anything at Mr. Cho, you personally?  
9 A Yes. We were in the same office and I  
10 noticed what was going on.  
11 Q Do you know what he threw?  
12 A A battery from -- a hand-form battery, he  
13 threw that thing.  
14 Q Did that battery strike Mr. Cho?  
15 A I believe it was not a successful strike  
16 or anything, but it bypassed him or something.  
17 Q And you personally saw it?  
18 A Yeah, that instant I observed myself.  
19 Q Were you ever told by Ki Huayooa to  
20 testify that you had seen Mr. Kang throw that battery  
21 at Mr. Cho?  
22 A No.  
23 Q Are you certain of that?  
24 A No, I didn't receive any suggestion or  
25 instruction, no.

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1 A Yeah.  
2 Q So you can see it in your mind's eye; is  
3 that correct?  
4 A I recall he pulled my ear, but where that  
5 took place, I don't recall.  
6 Q Do you know why he pulled your ear?  
7 A I recall that he did that and not as the  
8 expression of his anger toward me, but kind of  
9 playfully he pulled my ear or something, yes.  
10 Q I am asking why. Do you know why?  
11 A The reason why I don't know.  
12 Q Do you recall playing Tae Jin Yoon's ear  
13 playfully during Mr. Kang's employment?  
14 A You mean, I pulled Mr. you know's ear?  
15 Q Yes.  
16 A Not in the facility.  
17 Q Have you pulled it someplace else during  
18 the period of Mr. Kang's employment?  
19 A It could have happened. Because we had a  
20 lot of gathering and things like that outside of the  
21 facilities, so it might happen outside playfully  
22 sometime.  
23 Q How old are you, Mr. Park?  
24 A I was born in 1967, 33.  
25 Q Do you consider it a normal event to have

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1 THE INTERPRETER: I am sorry. Mr. Park pulling  
2 Mr. Yoon's ear? Could you repeat that portion.  
3 BY MR. GREY:  
4 Q During the period of Mr. Kang's  
5 employment, it is true, is not, that Tae Jin Yoon is  
6 the only person, grown man that has ever pulled your  
7 ear?  
8 A He would like you to repeat the question  
9 again. He didn't understand.  
10 Q During the period of Mr. Kang's  
11 employment, is it true that Tae Jin Yoon has been the  
12 only grown man who has pulled your ear?  
13 A While I was working there; right?  
14 Q At any time during the period of  
15 Mr. Kang's employment.  
16 A I don't know whether someone else did that  
17 or not, but I recall once or twice being pulled by the  
18 ear.  
19 Q By anyone other than Tae Jin Yoon?  
20 A No, no other people. Tae Jin Yoon only.  
21 Q Thank you. Did you ever observe Tae Jin  
22 Yoon grabbing Mr. Kang by the ear at any time?  
23 A No, I didn't observe that.  
24 Q Did you ever observe Tae Jin Yoon strike  
25 Mr. Kang with a ruler?

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1 your ear pulled?  
2 A Well, unless a person is really angry or  
3 mad at something and as an expression of his anger,  
4 that is probably not just ordinary thing, but it could  
5 happen to people who is just playfully playing with the  
6 ears, pulling the ears.  
7 Q Has there been any other grown man during  
8 Mr. Kang's employment that ever grabbed you by the ear?  
9 A You mean, grown up man like what?  
10 Q Grown up man.  
11 A You mean, I am a grown up person?  
12 Q Not children.  
13 A We do have such thing happening sometime  
14 between friends playfully doing that.  
15 Q And you have had some friend who is a  
16 grown man pulling your ear during the period of  
17 Mr. Kang's employment?  
18 A In the facility?  
19 Q Just period. During the period of  
20 Mr. Kang's employment.  
21 A No.  
22 Q Okay. So it is correct to say that during  
23 the period of Mr. Kang's employment, Tae Jin Yoon is  
24 the only grown man that has ever pulled you by the ear;  
25 correct?

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1 A No, I did not observe that.  
2 MR. BATTENFELD: I object the question has been  
3 asked and answered. I guess it has been answered  
4 again.  
5 BY MR. GREY:  
6 Q Did you ever observe Mr. Kang instruct or  
7 rather Mr. Yoon instruct Mr. Kang to do squats or  
8 jumping up and down?  
9 A I didn't observe Mr. Yoon instructing  
10 Mr. Kang to do such thing, but one time we were  
11 gathering and we were supposed to be doing some  
12 exercise and we did a similar thing.  
13 Q What gathering was this?  
14 A It was one or two weeks we decided to  
15 promote such exercise time for the sake of health, so  
16 we decided to do that for a week or two weeks. And  
17 such occasion we did have such up and down jumping.  
18 Q When was this done? What time of day?  
19 A In the morning.  
20 Q Before or after 7:00 a.m.?  
21 A Around 7 o'clock when the people reported  
22 into the work and we thought that maybe we would have  
23 some exercise and people would go to work.  
24 Q Did all of the people that worked at both  
25 U. Lim Mexico and U. Lim America do these exercises?

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1 Q Did you ever observe Tae Jin Yoon kick any  
2 employee of U. Lim at any time?  
3 A No.  
4 Q Other than yourself, did you ever observe  
5 Tae Jin Yoon grab the ear of any employee of U. Lim at  
6 any time?  
7 A No, I didn't observe that.  
8 Q Have you ever had an occasion whereby Tae  
9 Jin Yoon or any other employee of U. Lim -- why don't  
10 you start -- ever requested you to smuggle American  
11 currency to Korea?  
12 MR. BATTENFELD: Object to the question as  
13 having absolutely no relevance to the issues raised by  
14 Mr. Kang's lawsuit. And I am going to -- given that  
15 it's a question regarding possible criminal conduct and  
16 that it has no bearing on any issue in this case, I am  
17 going to instruct Mr. Park not to answer the question.  
18 MR. GREY: I would adamantly disagree to the  
19 extent that U. Lim America has asked Mr. Park to commit  
20 a criminal act and Mr. Park has engaged in it, it goes  
21 both to his credibility, U. Lim's credibility. And as  
22 such, it's highly relevant.  
23 Now, Mr. Park can take the Fifth  
24 Amendment, but I believe instructing him not to answer  
25 this question is not well taken and this would go right

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1 to questions such as felony convictions and the like  
2 which go to the credibility and reliability for the  
3 truth.  
4 MR. BATTENFELD: A felony conviction is a valid  
5 question. If you want to ask Mr. Park if he has ever  
6 been convicted of a felony, that's certainly a fair  
7 question to ask.  
8 MR. GREY: It's a similar question.  
9 MR. BATTENFELD: It's not the question you are  
10 asking.  
11 MR. GREY: The question goes to whether or not  
12 he committed this act. He can take the Fifth  
13 Amendment, but if he is been instructed by U. Lim to  
14 conduct the criminal act, it certainly entitles the  
15 jury to know whether or not U. Lim instructed him in an  
16 instance like this to lie under oath. Because clearly  
17 if he is smuggling cash for U. Lim, he is committing an  
18 act of deception for U. Lim which he knows to be  
19 unlawful.  
20 MR. BATTENFELD: My instruction is that the  
21 witness will not answer the question. There is no  
22 issue raised by Mr. Kang's complaint of this  
23 allegation. Feel free to point it out to me if you  
24 think I am wrong. So in the absence of any showing  
25 that the question relates to Mr. Kang's lawsuit -- as

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1 to any fishing expedition you may think you are going  
2 to engage in to get evidence, not of a felony  
3 conviction but of some alleged criminal conduct not  
4 resulting in a conviction, there's no relevance to this  
5 case. It's a highly improper question and I will stand  
6 by the instruction to the witness that he not answer  
7 the question.  
8 BY MR. GREY:  
9 Q Mr. Park, are you going to answer that  
10 question?  
11 A I will not answer.  
12 Q Okay. Based on counsel's instruction?  
13 A My counsel mentioned a similar thing and I  
14 feel the same way.  
15 Q So is the answer yes?  
16 MR. BATTENFELD: The answer is he is not going  
17 to answer if that's what you are asking.  
18 THE WITNESS: Yeah, my answer is I will not  
19 answer the question.  
20 BY MR. GREY:  
21 Q Has Tae Jin Yoon ever threatened to fire  
22 you at any time during your employment?  
23 A He didn't threaten me, no.  
24 Q Did he ever tell you he was going to fire  
25 you?

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1 A He never spoke to me saying that he will  
2 fire me from U. Lim, no.  
3 Q Has anyone at U. Lim ever told you that  
4 you were fired or were going to be fired?  
5 A No, no one told me that.  
6 Q When you first came to the United States,  
7 you were single; correct?  
8 A Yes. True.  
9 Q And you had an apartment; correct?  
10 A Yes.  
11 Q How many bedrooms was that apartment?  
12 A First apartment had one bedroom.  
13 Q And the next apartment?  
14 MR. BATTENFELD: At this point I am going to  
15 object to this line of questioning as getting into  
16 issues relating to Mr. Park's privacy. And in the  
17 absence of an offer of proof as to why this line of  
18 questioning is relevant to this case, I will instruct  
19 Mr. Park not to answer this line of questioning any  
20 further.  
21 MR. GREY: Well, in many ways it does go to  
22 Mr. Park's privacy to the extent that U. Lim had  
23 instructed him to maintain a room free at his residence  
24 for U. Lim guests that U. Lim felt were necessary to  
25 spend time here and that he was to make accommodations

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1 married, the company would check with me, the company  
2 would check with me whether or not it's feasible to  
3 have a person boarding at my apartment, and if it is  
4 possible -- then the company would provide the expenses  
5 for the -- okay. About half of my rent will be paid  
6 because of the persons boarding at my house.  
7 Q That wasn't the question asked. Who would  
8 tell you that this person was going -- or persons were  
9 going to be boarding at your house?  
10 A Sometimes Tae Jin Yoon or from the main  
11 company.  
12 Q Are you referring to Ki Huayooa?  
13 A Yeah. Ki Huayooa sometimes ask me.  
14 Mr. Kang sometimes ask me from Korea.  
15 Q Anyone else?  
16 A No. No other person.  
17 Q Was there ever an occasion where they  
18 asked you to keep someone at your house where you  
19 refused?  
20 A No, I didn't have an occasion to refuse  
21 that because I am gaining some expenses, some money in  
22 a pay. They pay for it, so --  
23 Q When you were single, did they pay for  
24 your entire rent?  
25 A Yes.

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1 A I believe I received a separate check.  
2 Q Was it just part of your salary or an  
3 actual separate check?  
4 A It was a separate check exclusively for  
5 the rent.  
6 Q How long did they continue to give you a  
7 separate check for the rent?  
8 A I don't recall up to when.  
9 Q Are you still receiving a separate check  
10 for the rent?  
11 A No.  
12 Q Do you know when it stopped?  
13 MR. BATTENFELD: All right. At this point  
14 unless, you have an awful good reason for continuing  
15 this line of inquiry, I think you have heard enough  
16 about this arrangement. So I think you are beating a  
17 dead horse.  
18 MR. GREY: Well --  
19 MR. BATTENFELD: Let me finish my objection,  
20 Mr. Grey. Unless you have an offer of proof why you  
21 need to have the details of this arrangement, I will  
22 instruct the witness not to answer any more questions  
23 along this line and let's move on to something that's  
24 relevant.  
25 MR. GREY: I wish to know when this arrangement

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1 Q And you were here how long before you  
2 became married?  
3 A About a year and a half I was still  
4 unmarried.  
5 Q Married in January '96; right?  
6 A That's correct.  
7 Q So it's your testimony that up until  
8 January of '96, they paid for your entire rent; is that  
9 correct?  
10 A Yes.  
11 Q And after January of '96, did they  
12 continue to pay your entire rent?  
13 A I don't recall, exactly, but I believe my  
14 pay was adjusted after I got married.  
15 Q Just so I understand, did U. Lim America  
16 specifically make a monthly payment for your rent on  
17 your behalf or provide you with money specifically for  
18 that rent on your behalf when you were single?  
19 A You mean how the company paid for the rent  
20 for my apartment?  
21 Q Yes.  
22 A The company might give the money to me and  
23 then I paid the rent.  
24 Q Did they give you a separate check for the  
25 rent?

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1 ended whether he was getting separate reimbursement for  
2 the rent and I am simply asking when that arrangement  
3 stopped or when his reimbursement came in the form of  
4 just his salary. I don't think that's much to ask.  
5 THE WITNESS: I cannot recall when.  
6 THE INTERPRETER: Mr. Park would like to ask you  
7 how soon this hearing will last -- how soon it will  
8 end.  
9 MR. GREY: We will end at 5:30.  
10 MR. BATTENFELD: Is that okay with you?  
11 THE WITNESS: I am really tired and I wish that  
12 the hearing would be terminated sooner than that.  
13 MR. GREY: Well, we typically go to 5:30.  
14 That's what we have done with all of our depositions.  
15 Q Are you capable of continuing the  
16 deposition now?  
17 A Okay. I understand.  
18 Q Okay. During 1994 how many Saturdays  
19 during that year did you work?  
20 A For the number of days I worked on a  
21 Saturday in 1994 I cannot recall. But I know that I  
22 did have ten days of Saturday work because of the --  
23 you know, because to send some of the employees for the  
24 Christmas vacation.  
25 Q Was it your understanding that there was a

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1 that he is resigning.  
2 Q Do you have any understanding as to why  
3 Mr. Kang resigned?  
4 A I don't know exact reason.  
5 Q Do you have any understanding as to any  
6 reason?  
7 A No, I didn't hear anything.  
8 Q Did you ever ask Mr. Kang why he was  
9 resigning or quitting?  
10 A Yes, I did ask him.  
11 Q What did he tell you?  
12 A I believe I heard from Mr. Kang that at  
13 the time he was married and the fact that he has to  
14 work Saturday is not preferred by Mr. Kang so he has to  
15 resign.  
16 Q And what was your understanding of how  
17 many Saturdays in that last year of Mr. Kang's  
18 employment did he have to work?  
19 A 1998; right?  
20 Q The last year, which would be February of  
21 '97 to February of '98.  
22 A I cannot really come up with an exact  
23 number of the days, but I believe maybe between eight  
24 to slightly more than ten days.  
25 Q Well, it would have been at least ten,

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1 his determination?  
2 A No, not from Tae Jin Yoon.  
3 Q Did Tae Jin Yoon during your employment at  
4 U. Lim ever swear at you or use curse words?  
5 THE WITNESS: You said squatting at him?  
6 MR. BATTENFELD: Swearing.  
7 MR. GREY: Swearing.  
8 THE WITNESS: Occasionally when he was angry, he  
9 was swearing at me.  
10 BY MR. GREY:  
11 Q Did he ever use the term sip sae?  
12 A Yeah, when he was angry he uses that kind  
13 of word.  
14 Q What is that in English?  
15 A I don't know how to translate that.  
16 MR. BATTENFELD: Did we have a translation for  
17 the word you were asking?  
18 MR. GREY: No, we didn't. He understands what  
19 sip sae is.  
20 Q Correct?  
21 A I am Korean, but I can't fully understand  
22 what that particular vocabulary is. I think it's not a  
23 good comment or --  
24 Q Sip sae ki?  
25 A I don't know how to describe the meaning

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1 wouldn't it, to make up for Christmas vacation?  
2 A Well, maybe about 20 days altogether.  
3 MR. BATTENFELD: According to Mr. Cho, the  
4 translation should have been eight to ten on top of the  
5 ten.  
6 THE INTERPRETER: I didn't catch that.  
7 BY MR. GREY:  
8 Q So we are talking approximately 18 to 20  
9 Saturdays?  
10 A That's correct.  
11 Q Did Tae Jin Yoon ever tell you that he had  
12 a conversation with Mr. Kang where he fired Mr. Kang or  
13 Mr. Kang quit?  
14 A He didn't tell me any.  
15 Q Did you learn from anyone other than  
16 Mr. Kang that he was either fired or resigned?  
17 THE INTERPRETER: He want me to repeat the  
18 translation.  
19 THE WITNESS: I didn't hear any.  
20 BY MR. GREY:  
21 Q So Mr. Cho didn't inform you that Mr. Kang  
22 had quit or had been fired?  
23 A Mr. Cho I believe told me that Mr. Kang  
24 resigned from his job.  
25 Q Did Tae Jin Yoon tell you anything about

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1 of it, but I believe I understand what he is talking  
2 about.  
3 Q Well, did he ever say that to you?  
4 A When he is angry and he is mad and he is  
5 not controlling himself, he use that language.  
6 Q Specifically --  
7 A Like mumbling himself or something like  
8 that.  
9 Q Particularly sip sae or sip sae ki?  
10 A Well, I understand that when a person get  
11 mad, he can use that kind of a language whether he is  
12 mumbling to himself or he can outrightly shout against  
13 the person.  
14 Q Well, as I understand your testimony, Tae  
15 Jin Yoon used that language on occasion; correct?  
16 A Yeah. When he is angry or upset.  
17 Q And what was the language he was using?  
18 A I heard he is using sip sae ki.  
19 Q Okay. And what does that mean?  
20 A I don't think he meant to say anything.  
21 He just used that language.  
22 Q I am not talking about what he meant to  
23 say. What does that mean, what he actually said?  
24 A I don't know how to explain.  
25 Q Does it mean son of a bitch?

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1 A Yeah, he did say that to me.  
2 Q And how many times did he tell you he was  
3 going to send you back to Korea?  
4 A For a couple of occasion I believe when I  
5 was not performing my duty right or correctly, he was  
6 saying that kind of thing to me a couple times.  
7 Q Were these occasions before or after you  
8 were married?  
9 A I believe it was before my marriage.  
10 Q When he told you that he might send you  
11 back to Korea, did he tell you what you would be doing  
12 back in Korea?  
13 A I believe he -- well, he was not going  
14 into that sort of a detail or what I am supposed to be  
15 doing in Korea. He just commented that when he was  
16 angry against he, he said that just to impress me.  
17 MR. GREY: Let's take a two-minute restroom  
18 break here.  
19 (Recess.)  
20 BY MR. GREY:  
21 Q Did Mr. Yoon at work ever brag about being  
22 a former gang member?  
23 A No, I haven't heard.  
24 Q At any time during your employment, were  
25 you ever promised that U. Lim would provide health

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1 Q What is 100 percent bonus?  
2 A Bonus consists of 100 percent of  
3 additional to my pay, regular paycheck. In other  
4 words, if I am getting certain amount, the double of  
5 that will be the 100 percent bonus.  
6 Q Let me clarify. Let's assume for a moment  
7 you are making \$3,000 a month. Would the bonus then be  
8 \$3,000?  
9 A That's correct.  
10 Q Okay. So if you got 100 percent of the  
11 promised bonus, you would get 100 percent of your  
12 monthly pay as a bonus; is that correct?  
13 A Yes. Correct.  
14 Q And you are saying that on one occasion  
15 you were given that bonus; correct?  
16 A Yes.  
17 Q Okay. And these production targets, were  
18 they production targets that you had for each month or  
19 each year?  
20 MR. BATTENFELD: Just to clarify that, I think  
21 there may have been an incorrect translation. I  
22 believe the witness is referring to a sales goal rather  
23 than a production goal. If I am wrong, we can clear it  
24 up.  
25 MR. GREY: Let me clarify.

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1 insurance or would provide health insurance in the  
2 future?  
3 THE INTERPRETER: The insurance -- would you  
4 repeat that, please.  
5 BY MR. GREY:  
6 Q Did U. Lim ever promise to provide health  
7 insurance at any time during your employment?  
8 A No, I didn't get any promise like that.  
9 Q Okay. Did Tae Jin Yoon or anyone else at  
10 U. Lim ever promise to share any profits with the  
11 managers at U. Lim?  
12 A They were talking about the possibility of  
13 getting bonus for a certain project, but not sharing  
14 any profit.  
15 Q What bonuses, if any, were promised to you  
16 by Tae Jin Yoon or anyone else?  
17 A When we completed our targeted goal of a  
18 production, he will be giving out some bonus to the  
19 people.  
20 Q And did you ever meet that targeted goal  
21 of production?  
22 A Targeted goal is higher, so we are not  
23 able to reach that target. One occasion, I don't  
24 recall exactly what year, but we had best production  
25 record in Mexico, so we received 100 percent bonus.

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1 THE WITNESS: Okay. He is now saying that it  
2 has been a sales goal.  
3 BY MR. GREY:  
4 Q Okay. Were these monthly or yearly sales  
5 goals?  
6 A Yearly.  
7 Q Okay. So each year if you met the sales  
8 goal, then you understood you would receive a bonus  
9 equivalent to one month's salary; is that correct?  
10 A Okay. Those -- the provision of the  
11 bonus -- the promise for bonus is not any set rule,  
12 any set promise. But that particular year, even though  
13 we didn't meet the sales goal, we had the most highest  
14 sale in Mexico area, that's why we received the bonus.  
15 Q Okay. But you understood that there was a  
16 yearly sales goal; correct?  
17 A Yeah, that's correct.  
18 Q And you understood that if you were able  
19 to meet that sales goal, you would be paid a sales  
20 bonus; is that correct?  
21 A Yes.  
22 Q All right. But you testified that because  
23 the sales goal was so high, you never met it; correct?  
24 A Yes.  
25 Q But on one occasion, you had done so well

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1 the second shift. So he agreed. The supervisor for  
2 the night shift was the guy that used to be the first  
3 shift supervisor in the morning. And during the  
4 daytime, I acted as a supervisor.

5 Q So there was a vacancy -- where there used  
6 to be a supervisor for the day shift, it became a  
7 vacancy when you started the second shift; is that  
8 true?

9 A Yes, that's correct.

10 Q Okay. So you started working at U. Lim in  
11 1994. Have you ever had a female supervisor?

12 A No, we never had a female supervisor.

13 Q Okay. Have you ever had a female  
14 assistant manager or manager at U. Lim America since  
15 you started working there?

16 THE INTERPRETER: You said supervisor and  
17 assistant manager; right?

18 BY MR. GREY:

19 Q Have you ever had an assistant manager or  
20 above who is a female at U. Lim America?

21 A No.

22 Q Okay. Do you presently owe Tae Jin Yoon  
23 any money?

24 THE WITNESS: Owe money you said; right?

25 MR. GREY: Right.

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1 deems necessary to the deposition transcript;  
2 Mr. Battenfeld will promptly inform me of those  
3 changes; and if for any reason the original is lost,  
4 misplaced or stolen, a certified copy can be used in  
5 its place. Anything else?

6 MR. BATTENFELD: So stipulated. The only other  
7 thing is, just to confirm, I had a discussion with  
8 Mr. Grey off the record about Mr. Yoon's deposition and  
9 what I said was I am looking into the issue of the  
10 location of the deposition or what might be the  
11 requirements on or any costs for Mr. Yoon to travel  
12 back here for the deposition. I am also looking into  
13 his schedule to see if we can make arrangements to have  
14 him here before the discovery cutoff. If not, we will  
15 talk to Mr. Grey about what we might be able to do  
16 about that.

17 We also have a settlement conference  
18 coming up. Was it in early February or mid February?

19 MR. GREY: I think February 8th. That's what I  
20 want to say; either the settlement conference date or  
21 when we have to have the briefs done. I can't  
22 remember.

23 MR. BATTENFELD: We have that nuance as well. I  
24 am just trying to coordinate things so we can avoid  
25 Mr. Yoon having to travel back here twice. I am also

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1 THE WITNESS: Right now you mean?

2 BY MR. GREY:

3 Q Yeah.

4 A Right now I don't have any money owed to  
5 him.

6 MR. GREY: It's 5:35. I am thinking I have  
7 about 20 minutes. So what do you want to do?

8 MR. BATTENFELD: Let me --

9 MR. GREY: We can maybe do it at the beginning  
10 of, like, Mr. Cho's deposition; just set it for like an  
11 hour. That might work. That's up to you.

12 MR. BATTENFELD: Let me talk. Off the record.

13 (Discussion off the record.)

14 MR. GREY: We are close to the conclusion of  
15 Mr. Park's deposition, but we are now past the time  
16 that we said we were going to end at 5:30 and John also  
17 has a flight at 6:00, so we will reconvene Mr. Park's  
18 deposition for the next scheduled deposition date of  
19 Mr. Cho and we will set aside approximately one hour  
20 before beginning Mr. Cho's deposition to conclude  
21 Mr. Park's deposition in this matter.

22 I will just have the same stipulation with  
23 respect to volume two; that the original was sent to  
24 Mr. Battenfeld's office and that the witness will have  
25 30 days from receipt to review and make any changes he

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1 trying to find out when he will be done with his  
2 business in Hungry and inform you of that.

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01/06/00

1	UNITED STATES DISTRICT COURT	1	APPEARANCES:
2	SOUTHERN DISTRICT OF CALIFORNIA	2	For the Plaintiff:
3		3	LAW OFFICE OF RICHARD E. GREY
4	SOO CHEOL KANG,	3	BY: RICHARD E. GREY
5	Plaintiff,	4	Attorney at Law
6	vs.	5	409 Camino Del Rio South, Suite 303
7	U. LIM AMERICA, INC.; TAE	5	San Diego, California 92108
8	JIN YOON, an individual; and	6	(619) 543-9300
9	DOES 1 to 100,	6	For the Defendants:
10	Defendants.	7	MORGAN, LEWIS & BOCKIUS
11		8	BY: JOHN S. BATTENFELD
12		9	Attorney at Law
13		9	300 South Grand Avenue, 22nd Floor
14		10	Los Angeles, California 90071
15	DEPOSITION OF SOON WAN PARK	10	(213) 612-2500
16	San Diego, California	11	Also Present:
17	Thursday, January 6, 2000	12	JAE CHO
18	Volume III	13	SOO CHEOL KANG
19		13	Interpreter:
20		14	ANN MCCORMICK
21		15	12212 Old Stone Road
22		16	Poway, California 92064
23	Reported by:	17	(619) 486-6648
24	JESSICA E. MASSE	18	
25	CSR No. 9910	19	
	JOB No. 11907A	20	
		21	
		22	
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7	U. LIM AMERICA, INC.; TAE	6		
8	JIN YOON, an individual; and	7		
9	DOES 1 to 100,	8		
10	Defendants.	9		
11		10		
12		11		
13		12	EXHIBITS	
14		13	(None)	
15	Deposition of SOON WAN PARK,	14		
16	Volume III, taken on behalf of	15		
17	Plaintiff, at 501 West Broadway, Suite	16		
18	1300, San Diego, California, beginning	17		
19	at 9:38 a.m. and ending at 11:22 a.m.	18		
20	on Thursday, January 6, 2000, before	19		
21	JESSICA E. MASSE, Certified Shorthand	20		
22	Reporter No. 9910.	21		
23		22		
24		23		
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1 BY MR. GREY:  
2 Q During Mr. Kang's employment?  
3 A I do not remember precisely, but,  
4 however, I think maybe about once.  
5 Q And on this occasion, did you have to  
6 stay both Saturday and Sunday to supervise or help in  
7 the painting of the floors?  
8 A In any case, whether the facility is  
9 running or not, whenever when the facility is open, I  
10 was there.  
11 MR. BATTENFELD: I think there may have been a  
12 mistranslation or misunderstanding.  
13 BY MR. GREY:  
14 Q The question is during this occasion that  
15 you recall the floors being painted, did you have to  
16 supervise the painting of the floors or participate in  
17 the painting of the floors for both Saturday and  
18 Sunday?  
19 A Yes, I did.  
20 THE INTERPRETER: The word he used was  
21 observed.  
22 BY MR. GREY:  
23 Q Okay. So it's your recollection that  
24 this painting took approximately two days; correct?  
25 A I remember it took only one day.

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1 replacement.  
2 MR. GREY: Would you clarify if he means  
3 placement or replacement?  
4 THE WITNESS: The placement, not replacement.  
5 THE INTERPRETER: There was no object, but it  
6 was placed.  
7 BY MR. GREY:  
8 Q So is it your testimony there was new  
9 duct work put in into the facility?  
10 A Yes.  
11 Q And when was this duct work put in?  
12 A I do not remember.  
13 Q Okay. But it was put in on a weekend.  
14 Is that not correct?  
15 A I believe that since there was new  
16 placement, I think during the working hour that was  
17 placed.  
18 Q What do you mean "working hour"? Do you  
19 mean during the workweek or on a Saturday or on a  
20 Sunday?  
21 A The weekdays.  
22 Q You didn't have to close any of the  
23 production lines to install the duct work?  
24 A During the placement of the duct, you --  
25 you just connect the things; therefore, it was not

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1 Q Okay. I thought you just said that you  
2 had observed this occurring on both Saturday and  
3 Sunday.  
4 A I remember I think it took only one day,  
5 the painting of the floor.  
6 Q And for the entire period of time that  
7 you were employed at U. Lim, is it your testimony you  
8 recall the floors being painted once?  
9 A During my employment, I think two times.  
10 Q Okay. And when was the most recent time  
11 you recall the floors being painted?  
12 A I don't remember.  
13 Q Okay. So you don't know whether or not  
14 this second time was during Mr. Kang's employment or  
15 not?  
16 A No. I don't remember.  
17 Q Okay. During that, there had to be  
18 cleaning -- frequent cleaning in relation to the duct  
19 work at the facility?  
20 A No. Rather cleaning the duct, I think  
21 ducts or duct had been placed.  
22 Q And when was the placement of the ducts?  
23 MR. BATTENFELD: Replacement.  
24 MR. GREY: Did he say replacement or placement?  
25 THE INTERPRETER: He said placement, not

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1 necessary to stop the production line.  
2 Q Were the ducts used to clean out fumes or  
3 remove exhaust or other gases from the production  
4 facility?  
5 A Yes. It's correct.  
6 Q So it was important that those ducts be  
7 functioning correctly?  
8 A Yes.  
9 Q Did you ever have to have the ducts  
10 cleaned or maintained?  
11 A Yes. There were times it has to be  
12 cleaned.  
13 Q How many times had it been cleaned?  
14 A I do not remember how many times.  
15 Q Can you give me your best estimate?  
16 A About twice a year maybe.  
17 Q And when the ducts were being cleaned,  
18 were the production lines still in operation?  
19 A When partially it is cleaned, yes,  
20 production line is still on. However, when whole  
21 thing was cleaned, you stop the production line.  
22 Q And because you would have to stop the  
23 production line, did you do the cleaning of these  
24 ducts on the weekends?  
25 A I do not recall or remember whether that

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1 various documents required.  
2 Q The quality assurance inspection  
3 documents, what would those specifically be?  
4 A Quality control -- there are several  
5 kinds.  
6 Q What are those?  
7 A You need quality manual work. In manual  
8 work there are many different instructions for that  
9 and then also the inspection evaluation documents and  
10 the inspection method, that sort of thing. There are  
11 various documents.  
12 Q The sampling inspection evaluation  
13 documents, do those evidence what inspections of  
14 product you specifically perform?  
15 A Yes.  
16 Q And they would show how many samples you  
17 inspected; correct?  
18 A Yes.  
19 Q And it shows what types of samples you  
20 inspected?  
21 A Yes.  
22 Q And they would show when you inspected  
23 them; correct?  
24 A Yes.  
25 Q And you'd have both a time and a date for

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1 as some you can just inspect. Some after you inspect  
2 you have to maintain the record. Things like that.  
3 Q Which items did you have to maintain  
4 records for?  
5 A There are various items. I do not recall  
6 those. I have to look at documents.  
7 Q Do you recall any of the types of the  
8 items that you would have to maintain documents for?  
9 A I don't remember right now, but there are  
10 the documents to be kept one year or two years or  
11 three years.  
12 Q Is it your testimony that based on the  
13 type of item that was being inspected, you would have  
14 to maintain records either one, two, or three years?  
15 A Yes. There are guidelines for those time  
16 periods.  
17 Q Do you remember any of the items that you  
18 had to maintain records for for three years?  
19 A Yes, I do.  
20 Q And what are those items?  
21 A You are asking me that -- what are those  
22 documents that I have to maintain for three years?  
23 Q Why don't we do it that way. Sure.  
24 A In our company, there is some standard --  
25 some guidelines. I have to look at those documents.

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1 those inspections; correct?  
2 A Yes, it is.  
3 Q And how long did you maintain those --  
4 rather strike that.  
5 What were the ISO 9000 requirements for  
6 how long you'd have to maintain those sampling  
7 inspection evaluations?  
8 THE INTERPRETER: I don't understand your  
9 question. Let me understand before I translate. How  
10 long do they have to maintain, or how long do they  
11 have to inspect?  
12 MR. GREY: Pursuant to the ISO 9000  
13 requirements, how long would he have to maintain those  
14 records related specifically to the sampling of  
15 inspection?  
16 THE INTERPRETER: All right.  
17 THE WITNESS: Yes. There is indication of how  
18 long you should maintain those documents.  
19 BY MR. GREY:  
20 Q And what was that indication?  
21 A Each different item has a different time  
22 period.  
23 Q When you say each item, what are you  
24 referring to?  
25 A There are different specifications such

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1 Unless I look at those documents, I don't remember  
2 right now.  
3 Q Well, I go back to my original question.  
4 You indicated that based on the type of item, you'd  
5 have to --  
6 (Telephonic interruption.)  
7 BY MR. GREY:  
8 Q You indicated that based on the type of  
9 item, you would have to maintain inspection records  
10 for one, two, or three years; correct?  
11 A Yes.  
12 Q Okay. Do you remember any of the items  
13 that you had to maintain records for for three years?  
14 A You are repeating your question again.  
15 Q I want to make sure we are on the same  
16 page so we understand each other. There were  
17 documents that were generated which showed a sampling  
18 and inspections of items produced at U. Lim; correct?  
19 A Yes.  
20 Q And they would show the type of items  
21 inspected. They would show how many samples were  
22 taken, and they would show the date and time that  
23 those inspections were conducted; correct?  
24 A Yes.  
25 Q And you testified that depending on the

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1 MR. BATTENFELD: You can sit here and say it's  
2 relevant. I'm not hearing any rationale for why it's  
3 relevant.  
4 MR. GREY: I don't have to go through my whole  
5 case, John.  
6 MR. BATTENFELD: There hasn't been a  
7 demonstration why this line of inquiry has anything to  
8 do with this case. You are wasting more of our time  
9 this morning.  
10 MR. GREY: Wasting more of our time? You took  
11 Mr. Kang's deposition for four days, and you still  
12 want more deposition from Mr. Kang. I'm going through  
13 a translator on Mr. Park and not spending nearly as  
14 much time as you spent on Mr. Kang, not even close.  
15 So, please, don't talk to me about dragging things  
16 out.  
17 MR. BATTENFELD: How long I take to depose the  
18 Plaintiff in this case has nothing to do with how long  
19 you are taking to --  
20 MR. GREY: John, this is a simple question with  
21 respect to who occupies quality control now because  
22 that person is relevant as to the maintenance of  
23 records for quality control.  
24 MR. BATTENFELD: Why? Why is that relevant?  
25 MR. GREY: Maintenance of documents. I'm not

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1 going to go through the case, and I don't have to. It  
2 goes to time and date that the plant was in operation.  
3 For crying out loud, you should know the relevance of  
4 that.  
5 MR. BATTENFELD: That is relevant in 1999 or  
6 1998.  
7 MR. GREY: It goes to the maintenance of  
8 documents, who is holding on to quality control, who  
9 is maintaining it, why did he lose his position as  
10 quality control manager. All of these things are  
11 relevant, John.  
12 MR. BATTENFELD: Let's move on.  
13 MR. GREY: Well, let's do that.  
14 Q Who took over after Bo Won Cheong left  
15 quality control?  
16 A It's a Mexican. Eduardo.  
17 Q Do you know his last name?  
18 A No. I don't remember.  
19 Q Does he answer to you?  
20 A No. I have not received anything from  
21 this side.  
22 Q Who is now responsible for maintaining  
23 the inspection documents to meet the ISO 9000  
24 requirements?  
25 A QC maintains.

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1 Q But who specifically, the individual?  
2 A There are -- the documents should be  
3 maintained by each department. However, the QC  
4 department also has to maintain some documents which  
5 Repi is the one who has the documents.  
6 Q Repi? Is that a first or last name?  
7 A I do not know. We just call Repi.  
8 MR. BATTENFELD: Mr. Cho let me know he needs  
9 to take a brief break, and he would like to be present  
10 at the deposition. So if we can, let's take a  
11 five-minute break.  
12 (Brief recess.)  
13 BY MR. GREY:  
14 Q When Bo Won Cheong was hired, he was  
15 hired as an assistant manager; is that right?  
16 THE INTERPRETER: Quality control assistant  
17 manager?  
18 MR. GREY: Quality control assistant manager.  
19 THE WITNESS: Yes.  
20 BY MR. GREY:  
21 Q And, therefore, as an assistant manager,  
22 did he answer to one of the managers?  
23 A Yes, it was.  
24 Q Okay. And he would have answered to you;  
25 correct?

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1 A Yes. At the beginning.  
2 Q Okay. So when Bo Won Cheong was hired,  
3 even if he took over the general duties of quality  
4 control, you were still ultimately responsible for  
5 quality control?  
6 A Yes.  
7 Q Okay. When did you stop being  
8 responsible for quality control?  
9 A In 1998.  
10 Q At the time you stopped being responsible  
11 for quality control, how far back had you maintained  
12 the inspection records?  
13 MR. BATTENFELD: And I'll object to the  
14 question as being ambiguous as to quality control  
15 records.  
16 MR. GREY: I'm referring now to those  
17 inspection records.  
18 THE WITNESS: You are asking me that -- what  
19 period documents were kept?  
20 BY MR. GREY:  
21 Q In 1998 when you left your position as  
22 quality control manager, up until that time you had  
23 maintained some records relative to inspection;  
24 correct?  
25 A Yes. It's correct.

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1 A The documents we are talking about, the  
2 daily work report?  
3 Q Yes.  
4 A I had.  
5 Q And prior to April of '99, did you  
6 maintain the inspection reports as well?  
7 A No. It was not.  
8 Q Where were those maintained?  
9 A I assume that QC had.  
10 Q Now, you are referring to the period of  
11 time after you were no longer in charge of QC;  
12 correct?  
13 A Yes.  
14 Q When you were still in charge of QC,  
15 where did you maintain those records?  
16 A At the QC.  
17 Q Where is QC as far as the physical  
18 location?  
19 A You are -- you are asking where the QC  
20 office was located?  
21 Q Yes.  
22 A In 1999?  
23 Q No. I'll back up.  
24 You indicated that prior to your leaving  
25 the position in the middle of 1998, you maintained the

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1 A Yes.  
2 Q Do you recall Tae Jin Yoon having a  
3 downtown apartment in 1996?  
4 A Yes.  
5 Q And was that located at the City Front  
6 Terrace?  
7 A I knew it was downtown, but I didn't know  
8 exactly where it was.  
9 Q And at the time he had this downtown  
10 apartment, he also had a house; correct?  
11 A Yes, he had.  
12 Q Had you visited this downtown apartment?  
13 A Yes.  
14 Q On approximately how many occasions?  
15 A About two, three times.  
16 Q Do you know the address of this downtown  
17 apartment?  
18 A No. I don't know the address.  
19 Q Do you know generally where it's located  
20 in downtown?  
21 A Yes.  
22 Q Whereabouts?  
23 A In front of Hyatt hotel.  
24 Q Do you know how long Tae Jin Yoon had  
25 this apartment?

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1 inspection reports; is that correct?  
2 A Yes.  
3 Q I just want to know where physically  
4 those reports were maintained.  
5 A Yes. It was maintained at the QC side.  
6 Q And is QC -- was that in the U. Lim  
7 facility in Tijuana?  
8 A Yes.  
9 Q Was it a separate office?  
10 A Yes. It was a separate office.  
11 Q During Mr. Kang's employment, how often  
12 did you personally have to make deliveries?  
13 MR. BATTENFELD: I'm going to object to the  
14 question as being ambiguous as to the word  
15 "deliveries."  
16 MR. GREY: If you understand.  
17 THE WITNESS: I do not remember how many times  
18 I did.  
19 BY MR. GREY:  
20 Q Was it a frequent occurrence?  
21 A No, it's not.  
22 Q Now, you indicated that Tae Jin Yoon is  
23 or was a friend of yours; is that correct?  
24 A You are saying not my friend?  
25 Q No. Is a friend.

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1 A I do not remember.  
2 Q What's your best estimate?  
3 A I do not -- I cannot estimate.  
4 Q When did U. Lim promise to help or  
5 sponsor you in getting a green card?  
6 A 1999.  
7 Q And what's your best estimate as to the  
8 month?  
9 A I do not remember the month. I don't  
10 know why.  
11 Q Beginning --  
12 THE INTERPRETER: I didn't hear him correctly.  
13 I do not remember the months.  
14 BY MR. GREY:  
15 Q Beginning, end, or middle of the year?  
16 A Mid.  
17 Q When you were transferred from U. Lim  
18 Korea to U. Lim America, how much notice were you  
19 provided about the transfer?  
20 A A month. One month.  
21 Q Now, it's true that you would regularly  
22 play poker with Tae Jin Yoon during Mr. Kang's  
23 employment?  
24 MR. BATTENFELD: I'll object to the question in  
25 that the question is ambiguous with respect to the

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1 A No, it's not.  
2 Q How about 1995? What is your estimate of  
3 the number of deliveries you made to customers?  
4 A I don't remember.  
5 Q How about 1996?  
6 A Same. I don't remember.  
7 Q And 1997?  
8 A I do not remember how many times I did.  
9 Q Do you remember any particular customer  
10 that you would have to deliver to more frequently than  
11 the others?  
12 A Once there was a time that there was a  
13 problem again with production line; therefore, I don't  
14 do those things.  
15 Q What was that answer again?  
16 MR. BATTENFELD: You might want to try to ask  
17 the question again. He didn't understand it, or the  
18 translation may not have gotten through.  
19 BY MR. GREY:  
20 Q When you were delivering merchandise to  
21 customers, was there a particular customer that you  
22 would deliver to more frequently than the others?  
23 A I personally?  
24 Q Yes.  
25 A Or company?

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1 were gone and delivering working overtime?  
2 A I do not understand your question.  
3 Q Well, when you made a trip to Mexicali,  
4 you'd be gone anywhere from four to six hours that  
5 day; correct?  
6 A Yes.  
7 Q Okay. And I assume that cut into the  
8 amount of time you had for your other work; correct?  
9 A In order to do the urgent job, yes.  
10 Q And what would you do to make up for that  
11 time lost from your normal duties?  
12 A I can orchestrate the work I have. It's  
13 not that when you go to work until you leave the work  
14 you have every single minute of the work. So I  
15 orchestrate putting those work in the hours.  
16 Q Did the deliveries ever make you have to  
17 work late into the evening to make up for your other  
18 work?  
19 A No.  
20 Q We are just about done.  
21 A I have one thing I'd like to talk. I was  
22 told that you would require me just one hour, so I  
23 have an appointment. How long do you have to do?  
24 Q I think I'm almost done. I mean I may  
25 have no questions. Just give me a minute. That's it.

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1 Q Him.  
2 A I do not know. I don't think that  
3 applied to me.  
4 Q Well, you indicated that you did make  
5 some deliveries for the company to customers; correct?  
6 A Yes.  
7 Q Do you recall any of the customers you  
8 delivered to?  
9 A Yes.  
10 Q Okay. And what were those customers you  
11 recall making deliveries?  
12 A Sanyo and L.G.  
13 Q And where are those companies located?  
14 In Mexico?  
15 A Sanyo is located in Otay. L.G. is in  
16 Mexicali.  
17 Q And when you would make a trip to Otay,  
18 how long would it take you to make a delivery?  
19 A About 30 to 40 minutes.  
20 Q And how about to Mexicali?  
21 A About two, three hours.  
22 Q Is that one way or both ways?  
23 A Just one way.  
24 Q And when you made these trips to  
25 Mexicali, did you have to make up the time that you

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1 The same stipulation?  
2 MR. BATTENFELD: Yes.  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SOO CHEOL KANG,

Plaintiff,

vs.

U. LIM AMERICA, INC.; TAE  
JIN YOON, an individual; and  
DOES 1 to 100,

Defendants.

Case No.  
99 CV659 JM (RBB)

DEPOSITION OF TEDDY BAEK

VOLUME I

(Pages 1 through 175)

San Diego, California

November 10, 1999

Reported by Anita Worthington,  
CSR No. 7356

**Kang v. U. Lim America  
Teddy Baek****Multi-Page™**

Page 2	Page 166
1 APPEARANCES:	1 I N D E X
2 FOR PLAINTIFF:	2 WITNESS: Teddy Baek
3 LAW OFFICES OF RICHARD E. GREY	3
4 By: Richard E. Grey	4 EXAMINATION PAGE
5 409 Camino Del Rio South, Suite 303	5 By Mr. Grey 4
6 San Diego, California 92108	6 By Mr. Battenfeld 73
7 FOR DEFENDANTS:	7
8 MORGAN, LEWIS & BOCKIUS LLP	8
9 By: John S. Battenfeld	9 INDEX TO EXHIBITS
10 300 South Grand Avenue, 12nd Floor	10 EXHIBITS MARKED
11 Los Angeles, California 90071	11 1 Declaration of Teddy Baek, (4 pages) 66
12 Also present:	12
13 Ann McCormick (interpreter)	13
14 Soc Kang	14
15	15
16 DEPOSITION OF TEDDY BAEK,	16 . . .
17 taken by plaintiff at 701 B Street, Suite 1915,	17
18 San Diego, California, on Wednesday, November 10,	18
19 1999, at 10:15 a.m., before Anita Worthington,	19
20 Certified Shorthand Reporter, in and for the State of	20
21 California.	21
22	22
23	23
24	24
25	25

Page 4	Page 5
1 San Diego, California; Wednesday, November 10, 1999	1 Q And I understand that you do speak English
2 10:15 a.m.	2 but it's not your first language, so there will be
3	3 occasions when you understand perfectly well what I'm
4	4 asking, but we would still ask that you wait for the
5 ANN MCCORMICK,	5 interpreter to translate so that you are certain as to
6 being called as an interpreter, was first duly sworn	6 the question.
7 to translate truthfully from English to Korean and	7 A Yes.
8 Korean to English the testimony of the witness:	8 Q Have you ever had your deposition taken
9	9 before?
10 TEDDY BAEK,	10 A No, it's the first time.
11 having been first duly sworn, testified as follows:	11 MR. BATTENFELD: Before we go on, a couple
12	12 points. First of all, I would request that the
13 EXAMINATION	13 witness not have what appears to be his statement in
14 BY MR. GREY:	14 front of him while he's testifying.
15 Q Mr. Baek, can you state your full name for	15 I also request that a copy of the statement
16 the record.	16 be made for me.
17 A Teddy Baek.	17 MR. GREY: I'll provide a copy of the
18 THE INTERPRETER: B-a-e-k.	18 statement, but I think the witness is entitled to
19 BY MR. GREY:	19 refer to his statement.
20 Q We're using an interpreter here today which	20 MR. BATTENFELD: I would disagree strongly.
21 means that all of my questions need to go through the	21 It's not appropriate for a witness to have a document
22 interpreter and for her to translate them before you	22 in front of him while he's testifying he can refer to
23 respond.	23 unless he's asked to look at it as an exhibit. It
24 Do you understand that?	24 hasn't been marked as an exhibit, and there's no
25 A Yes.	25 question pending about the statement.

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<p>1 MR. GREY: Well, I would disagree. It is a                  2 statement which he has reviewed, given sworn testimony                  3 to, and he's reviewed it for today's deposition. I                  4 believe he's entitled to look at it and reference it                  5 whenever he feels fit to do so.                  6 You've been provided a copy of that                  7 deposition -- rather that statement. You can question                  8 him regarding that statement, question him regarding                  9 how that statement was entered into. I don't believe                  10 it prejudices you in any way, and as it is his own                  11 declaration, he's entitled to look at it.                  12 MR. BATTENFELD: And my position is that                  13 it's the equivalent of having a script in front of a                  14 witness that the witness could refer to to answer                  15 questions. I believe it is completely inappropriate,                  16 and if you will not agree to have the witness testify                  17 without the statement in front of him unless he is                  18 asked to refer to it for purposes of a specific                  19 question, I would suggest we take a break and get the                  20 magistrate on the phone so that he can resolve this                  21 dispute.                  22 MR. GREY: If you want to call the                  23 magistrate, that's fine with me.                  24 MR. BATTENFELD: Okay. Then let's take a                  25 break.</p>	<p>1 THE REPORTER: Off the record?                  2 MR. GREY: Off the record.                  3 (Recess)                  4 BY MR. GREY:                  5 Q We've worked out a compromise with respect                  6 to your declaration. If you are asked specifically                  7 about your declaration or the statements contained                  8 therein, certainly you are free to look at it.                  9 Other than that, if we are asking you                  10 questions regarding your experiences that you learned,                  11 you should answer those from your own memory as you                  12 sit here today, and if you need to refresh that memory                  13 by looking at the statement, then you should so state                  14 that, and then you can look at the statement.                  15 This way we will know on the record whether                  16 or not you are refreshing your memory with the                  17 statement or is it an independent recollection that                  18 you have sitting here today.                  19 Do you understand?                  20 A Yes.                  21 Q So we don't want you looking at the                  22 statement unless you specifically state that you need                  23 to to refresh your memory.                  24 Do you understand?                  25 A Yes.</p>

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<p>1 Q Okay.                  2 MR. BATTENFELD: I don't at all question                  3 the interpreter's qualifications, but if we can just                  4 get, before we begin, a brief statement from the                  5 interpreter of her --                  6 THE INTERPRETER: Of my qualifications?                  7 All right. My name is Ann McCormick,                  8 M-c-C-o-r-m-i-c-k. I have been doing this for 26                  9 years. Mainly about 95 percent of my work consist of                  10 criminal work, federal court, immigration, Social                  11 Security.                  12 THE REPORTER: I'm sorry. What was the                  13 last one?                  14 THE INTERPRETER: Labor Commission. And                  15 then San Diego superior and the municipal court. I                  16 can give you about tens of judges that are my personal                  17 references. Anything else you like to know?                  18 MR. BATTENFELD: I assume you have                  19 previously acted as an interpreter in a deposition.                  20 THE INTERPRETER: 26 years, I have done                  21 thousands of cases. More likely about three, four at                  22 least a week. Sometimes about ten a week. I have                  23 done in San Diego County including Orange County,                  24 Imperial County. 99 percent of the work have been                  25 done by my -- I have good references.</p>	<p>1 MR. BATTENFELD: I don't doubt it. I'm                  2 just asking for the record that we can have the                  3 statement.                  4 THE INTERPRETER: Yes. Yes.                  5 MR. BATTENFELD: Thank you.                  6 THE INTERPRETER: You're welcome.                  7 BY MR. GREY:                  8 Q Mr. Baek, since we mentioned the statement,                  9 I want to lay a foundation of where this statement                  10 came from.                  11 Do you remember reviewing and signing the                  12 statement that is in front of you?                  13 A Yes.                  14 Q Did you read that statement carefully?                  15 A The statement which brought by -- to me by                  16 a person who said he was delivering -- a special                  17 delivery person. However, so at the time I have seen                  18 the document. First prior to that I had written as                  19 some notes.                  20 Q You said this document was brought to you                  21 by messenger, correct?                  22 A Yes. Messenger.                  23 Q And did you review that document at that                  24 time?                  25 A Yes, I did.</p>

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1 Q Okay. And did you understand the document  
2 when you reviewed it?  
3 A Yes.  
4 Q And do you recall meeting with me at my  
5 office prior to signing this statement?  
6 A Yes.  
7 Q And did we discuss the things contained in  
8 this statement?  
9 A Yes.  
10 Q And did you read -- when the messenger  
11 brought this statement to you, did you read through  
12 each paragraph carefully?  
13 MR. BATTENFELD: Object to the question as  
14 leading.  
15 THE WITNESS: Yes.  
16 BY MR. GREY:  
17 Q Okay. I'd like you now to reference the  
18 document, referring now to Paragraph 1.  
19 At the time you signed this statement on  
20 July 20th of '98, was that your correct address?  
21 A Yes.  
22 Q And looking now at Paragraph 2 of that  
23 statement, are you able to read that statement?  
24 A Yes.  
25 Q Do you understand it in English?

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1 A Yes.  
2 Q And would you now take a look at  
3 Paragraph 2 of that statement, and would you tell me  
4 if that information contained in Paragraph 2 is true  
5 and correct to the best of your knowledge.  
6 A Yes.  
7 MR. BATTENFELD: I'll object to the  
8 question. You need to pause -- I'm happy to make an  
9 objection either before you interpret or after, but  
10 whichever way it is, you need to pause to let me make  
11 an objection. So I'll request that the interpreter do  
12 that.  
13 THE INTERPRETER: Yes, I will. I will try.  
14 If it doesn't come in just automatically, I will start  
15 to translate. But, however, I will try my best.  
16 MR. BATTENFELD: The objection to the  
17 question is leading, argumentative and overbroad.  
18 BY MR. GREY:  
19 Q Can you refer to Paragraph 3 of the  
20 declaration. Is the information contained in  
21 Paragraph 3 of that declaration true and correct to  
22 the best of your knowledge?  
23 MR. BATTENFELD: And then again I'll object  
24 that the question is leading, argumentative and  
25 overbroad.

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1 BY MR. GREY:  
2 Q You can answer the question.  
3 A Yes.  
4 Q And taking a look at Paragraph 4 of the  
5 declaration, is that true and correct to the best of  
6 your knowledge?  
7 MR. BATTENFELD: And again the objection to  
8 the question is leading, argumentative and overbroad.  
9 THE WITNESS: Yes.  
10 MR. GREY: And can we just stipulate to a  
11 continuing objection on that?  
12 MR. BATTENFELD: Sure. To the extent  
13 that's the nature of your question.  
14 MR. GREY: Okay.  
15 BY MR. GREY:  
16 Q And Paragraph 5. Is that true and correct  
17 to the best of your knowledge?  
18 A Yes.  
19 Q And again take your time to read that now  
20 as we sit here today, okay, to make sure it is.  
21 And is Paragraph 6 true and correct to the  
22 best of your knowledge?  
23 A Yes.  
24 Q And Paragraph 7. Is that true and correct  
25 to the best of your knowledge?

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1 A Yes.  
2 Q And is Paragraph 8 true and correct to the  
3 best of your knowledge?  
4 A Yes.  
5 Q And is Paragraph 9 true and correct to the  
6 best of your knowledge?  
7 A Yes.  
8 Q And is Paragraph 9 true and correct to the  
9 best of your knowledge?  
10 A Yes.  
11 Q And Paragraph 10. Is that true and correct  
12 to the best of your knowledge?  
13 A Yes.  
14 Q And Paragraph 11. Is that true and correct  
15 to the best of your knowledge?  
16 A Yes.  
17 Q And is Paragraph 12 true and correct to the  
18 best of your knowledge?  
19 A Yes.  
20 Q And finally is Paragraph 13 true and  
21 correct to the best of your knowledge?  
22 A Yes.  
23 Q And at the time you signed this  
24 declaration, did you understand that was being signed  
25 under penalty of perjury?

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<p>1 A Yes.</p> <p>2 Q And was the information in this declaration</p> <p>3 provided to my office by you prior to the signing of</p> <p>4 the declaration?</p> <p>5 MR. BATTENFELD: I'm sorry. Could you</p> <p>6 repeat the question, court reporter.</p> <p>7 (Question read)</p> <p>8 MR. BATTENFELD: I'll object to the</p> <p>9 question as being leading, argumentative, ambiguous</p> <p>10 and overbroad.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. GREY:</p> <p>13 Q I'll ask you now to put the declaration to</p> <p>14 the side and then refer to it only if you need to</p> <p>15 refresh your recollection. Understand?</p> <p>16 A (Witness nods)</p> <p>17 Q Some preliminary matters I should have</p> <p>18 discussed earlier. If you have any questions</p> <p>19 regarding the question being asked you, feel free to</p> <p>20 ask that. We want to make sure that you understand</p> <p>21 the question being asked as it is important here today</p> <p>22 that you give your best testimony.</p> <p>23 A Okay.</p> <p>24 Q And for you to give your best testimony,</p> <p>25 you have to understand thoroughly all the questions</p>	<p>1 being asked.</p> <p>2 A Yes.</p> <p>3 Q That brings me to another point. You need</p> <p>4 to verbalize your answer in this situation so that the</p> <p>5 interpreter can make sure she knows what you're</p> <p>6 saying. She's not supposed to be interpreting your</p> <p>7 gestures. She's supposed to be interpreting your</p> <p>8 actual oral response.</p> <p>9 A Okay.</p> <p>10 Q There is going to be situations where I'm</p> <p>11 going to ask you to give your best estimate, and I'm</p> <p>12 entitled to that estimate, but in those situations we</p> <p>13 want you to give estimates that you're comfortable</p> <p>14 with. So in situations, for instance, where I ask you</p> <p>15 dates and times, you may not be able to give the</p> <p>16 precise date and time but can give an estimate, maybe</p> <p>17 a month, maybe a week, maybe a year that you're</p> <p>18 comfortable with.</p> <p>19 A Yes.</p> <p>20 Q Do you understand that?</p> <p>21 A Yes.</p> <p>22 Q Okay. If at any time you need to take a</p> <p>23 break, stretch your legs, go to the restroom, please</p> <p>24 let us know. We'll go and do that.</p> <p>25 A Yes.</p>

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<p>1 Q Okay. Do you have any questions before we</p> <p>2 really begin?</p> <p>3 A No.</p> <p>4 Q Mr. Baek, what's your present address?</p> <p>5 A 2676 Torrey Pines Road, La Jolla,</p> <p>6 California 92037.</p> <p>7 Q And where are you presently employed?</p> <p>8 A Low Air Ticket Travel Agency.</p> <p>9 Q And how long have you been employed there?</p> <p>10 A I am the owner. I am not the employee.</p> <p>11 Q How long have you owned this business?</p> <p>12 A March 1999.</p> <p>13 Q Were you ever employed by U. Lim America?</p> <p>14 A Yes.</p> <p>15 Q When were you first employed by U. Lim</p> <p>16 America?</p> <p>17 A October of 1995.</p> <p>18 Q And how long did you work at U. Lim</p> <p>19 America?</p> <p>20 A Three months.</p> <p>21 Q Do you know what your final date of work at</p> <p>22 U. Lim was?</p> <p>23 A I'm not sure, but I think it was January of</p> <p>24 1996. Middle of January.</p> <p>25 Q If I told you it was January 19th of '96,</p>	<p>1 would that refresh your memory at all?</p> <p>2 MR. BATTENFELD: I'll object to the</p> <p>3 question as leading.</p> <p>4 THE WITNESS: The time I came to you and</p> <p>5 they provide information, my memory was quite accurate</p> <p>6 because there was not too long after. However, if you</p> <p>7 ask me that question right now, when I just stated</p> <p>8 earlier that it was middle of January, that's all I</p> <p>9 can recall.</p> <p>10 BY MR. GREY:</p> <p>11 Q And what was the position you were hired at</p> <p>12 at U. Lim when you first started working there?</p> <p>13 A Purchase assistant manager.</p> <p>14 Q And who did you understand at the time you</p> <p>15 were hired would be your immediate supervisor?</p> <p>16 A Tae Jin Yoon.</p> <p>17 Q At the time you were hired, what was Tae</p> <p>18 Jin Yoon at the company?</p> <p>19 THE INTERPRETER: Yoon, Y-o-o-n. I like to</p> <p>20 clear with him before I translate because when there</p> <p>21 is one word that's given to me, especially position of</p> <p>22 Korean ranking, it can be translated different way.</p> <p>23 So let me make very clear.</p> <p>24 The word he has given to me was CEO in</p> <p>25 American way verbatim, but I don't think usually it</p>



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Teddy Baek

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1 happens. It's correct. CEO.  
2 MR. BATTENFELD: What was the answer again?  
3 THE INTERPRETER: CEO.  
4 BY MR. GREY:  
5 Q Was there any other person who supervised  
6 you at the time of your hire?  
7 A My manager -- Soo Cheol Kang was my  
8 manager. He's the one who interviewed me at the  
9 initial interview. He did.  
10 Q Did you understand Soo Kang to be your  
11 immediate supervisor?  
12 A No. During the interview, initial  
13 interview, I had the Tae Jin Yoon, the CEO was in  
14 Seoul for a business matter. Therefore, he giving me  
15 a interview. After then I was informed by him that  
16 when Tae Jin Yoon comes back, he will conduct the  
17 final interview.  
18 Q Okay. When you say he gave you the  
19 interview, who are you referring to?  
20 A Soo Cheol Kang.  
21 Q So it's correct to say Soo Kang interviewed  
22 you first?  
23 A Yes, it's correct.  
24 Q And is it correct to say that you had a  
25 second and final interview with Tae Jin Yoon?

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1 A Yes. That person informed me that he was  
2 not the authorized person to hire me or not.  
3 Q Are you referring to Soo Kang now?  
4 A It's correct.  
5 Q Did you have an interview with Tae Jin Yoon  
6 after the first interview?  
7 A Yes.  
8 Q Okay. Did Tae Jin Yoon inform you that he  
9 was intending to hire you?  
10 MR. BATTENFELD: Objection. Question's  
11 leading.  
12 Is it easier if I make the objection before  
13 or after you interpret the question?  
14 THE INTERPRETER: It doesn't matter. That  
15 is between -- my habit is I do just right after  
16 anything I hear in -- with my ears. So it's just my  
17 habit because of doing this so many years. So it's up  
18 to you.  
19 MR. BATTENFELD: Why don't we do this so  
20 you don't lose track of the question. Why don't we  
21 have an arrangement that you will interpret the  
22 question --  
23 THE WITNESS (Without interpreter): Can I  
24 do something?  
25 THE INTERPRETER: It's very hard for me to

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1 slow down because --  
2 MR. BATTENFELD: I'll wait till the witness  
3 gets back because this will pertain to his testimony  
4 as well. What I would propose so that the interpreter  
5 doesn't lose track of the question and can interpret  
6 the question is that the interpreter will interpret  
7 the question first, and then if I could request that  
8 the witness pause before answering so that I have an  
9 opportunity to make the objection at that time if I  
10 have an objection before the witness answers the  
11 question. Does that makes sense?  
12 THE INTERPRETER: Yeah. Let me translate  
13 that.  
14 MR. BATTENFELD: Do you understand that,  
15 Mr. Baek?  
16 THE WITNESS (Without interpreter): Yes.  
17 BY MR. GREY:  
18 Q Who did you understood -- understand had  
19 the authority to hire you?  
20 MR. BATTENFELD: Objection. Sorry about  
21 that.  
22 THE INTERPRETER: Anything I hear, I just  
23 automatically translate.  
24 MR. BATTENFELD: I stepped on my own  
25 protocol.

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1 I'll object that the question is leading.  
2 THE WITNESS: Mr. Yoon.  
3 BY MR. GREY:  
4 Q When were you first told that you were  
5 hired at U. Lim?  
6 A At the interview, the second interview I  
7 had.  
8 Q And did Tae Jin Yoon tell you this?  
9 A Yes. Including informed me about the  
10 salary information.  
11 Q And what did he inform you was going to be  
12 your salary?  
13 A Which I didn't -- I don't wish to disclose  
14 that information. However, during that interview he  
15 informed me about the company regulations, our future  
16 plan for the wage increase.  
17 MR. BATTENFELD: The ways what?  
18 THE INTERPRETER: Increase. Like increase.  
19 I-n-c-r-e-a-s-e.  
20 BY MR. GREY:  
21 Q Did he inform you what your salary would be  
22 at that meeting?  
23 A Yes. Everything has been disclosed at the  
24 time.  
25 Q Did he make any representations to you at



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1 that time about any salary increases?  
 2 MR. BATTENFELD: And I'll object to the  
 3 question as leading, argumentative, calls for a legal  
 4 conclusion.  
 5 THE WITNESS: Yes. It's not something --  
 6 yes. He even informed me in detail of all that kind  
 7 information which I recall very clearly.  
 8 BY MR. GREY:  
 9 Q What was the details of that information?  
 10 A At the time that the wage salary was not  
 11 that large amount. Therefore, he stated to me that if  
 12 I stay some certain time, I will have a raise of my  
 13 salary. And then also he said in the future the  
 14 company will expand. Therefore, at the time there are  
 15 more additional benefits that will be given to me.  
 16 Q Did he inform you as to any start date?  
 17 A November 1st on 1995.  
 18 Q Is that the date you first started working  
 19 for U. Lim?  
 20 A No.  
 21 Q Okay. When is the date you first started  
 22 working for U. Lim?  
 23 A October 20th.  
 24 Q Why did you start working for U. Lim on  
 25 October 20th when he informed you your start date

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1 would be November 1st?  
 2 A Kang Soo called me -- Tae Jin Yoon  
 3 expressed to him that he wishes me to come to work as  
 4 an internship and before November 1st and then that  
 5 your work would begin from November 1st.  
 6 Q Did you come to work on October 20th?  
 7 A Yes.  
 8 Q Were you paid during the period of  
 9 October 20th through November 1st?  
 10 A No, I did not.  
 11 Q When Tae Jin Yoon hired you, did he tell  
 12 you that you'd be working during this period for free?  
 13 A No.  
 14 Q When you were first hired, what did you  
 15 understand your work hours to be?  
 16 MR. BATTENFELD: I'll object to the  
 17 question as leading, lacking foundation.  
 18 THE WITNESS: What are you saying? What  
 19 you are saying leading?  
 20 MR. BATTENFELD: I'm objecting to the  
 21 question as being leading and lacking foundation.  
 22 THE WITNESS: The way you say lack of  
 23 foundation means when I said earlier that hours I  
 24 supposed to work -- I stated that earlier. How could  
 25 it be lack of foundation?

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1 BY MR. GREY:  
 2 Q Okay. Let me inform you of something.  
 3 Defense counsel may object from time to time to the  
 4 questions I am asking. Defense counsel may be right  
 5 in his objections. He may not be right in his  
 6 objections. But he is putting them on the record so  
 7 he can challenge the question at some later date.  
 8 Okay? You do not need to concern yourself with those  
 9 objections or the legal reasons why he is objecting to  
 10 it.  
 11 Do you understand?  
 12 A Yes.  
 13 Q If you understand the question, then you  
 14 should answer it to the best of your ability.  
 15 A Yes.  
 16 Q When you were first hired, did anyone  
 17 inform you as to what your work hours would be?  
 18 A Yes. I was given the company information,  
 19 and the company will begin 7:15, all the managers to  
 20 come to work by 7:00. The ending hour is 5:15, 5:30.  
 21 Q And who informed you as to these working  
 22 hours?  
 23 A Soo Kang, the manager, my manager, my boss.  
 24 Q And after you came to work for U. Lim, were  
 25 these the normal hours that you worked?

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1 A Not -- only few times only.  
 2 Q What were the normal hours you would work  
 3 Monday through Friday at U. Lim after you were hired?  
 4 A From 7:00 to 8:00 p.m. Yes.  
 5 Q And would that be your normal work schedule  
 6 for Monday through Friday each week?  
 7 A Yes.  
 8 Q And that continued -- did that continue to  
 9 be the case for the approximate three months you  
 10 worked at U. Lim?  
 11 A Yes. Including Saturdays and Sundays.  
 12 Q When -- how often would you work Saturdays  
 13 in a given -- scratch that.  
 14 During the three -- approximate three  
 15 months that you worked at U. Lim, how many Saturdays  
 16 do you recall working?  
 17 A I don't remember exactly, but if you ask me  
 18 to count, it should be more than five times.  
 19 Q Do you recall on a monthly basis how many  
 20 Saturdays you'd have to work?  
 21 A Twice, three times.  
 22 Q So is it true that approximately two to  
 23 three Saturdays a month you'd be working at U. Lim?  
 24 A Yes.  
 25 Q And on Saturdays what was the normal work

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Teddy Back

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1 hours that you kept?  
2 A About 7:30 to 3:30.  
3 Q And while you were employed at U. Lim, did  
4 you ever work Sundays?  
5 A Yes.  
6 Q How many Sundays do you recall working at  
7 U. Lim?  
8 A That I am very certain, twice.  
9 Q Do you recall what your hours were on those  
10 Sundays that you worked?  
11 A I'm not certain about hours, but I went to  
12 work in the morning and then after lunch before  
13 sundown until then.  
14 Q Would you work into sundown or would you  
15 simply leave before sundown?  
16 A Around the time sun goes down.  
17 Q Were you ever paid any overtime by U. Lim  
18 for any work on Saturdays or Sundays?  
19 A No.  
20 Q Did you ever receive any additional  
21 compensation from U. Lim of any type for working  
22 Saturdays and Sundays?  
23 A No.  
24 Q You also indicated that Monday through  
25 Friday you would normally work between 7:00 and

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1 8:00 p.m.; is that correct?  
2 A Yes. It's correct.  
3 Q Did you ever receive any overtime pay or  
4 additional compensation for working more than eight  
5 hours on any given day?  
6 A No, it was not.  
7 Q You indicated that Soo Kang was your  
8 immediate supervisor, correct?  
9 A Yes.  
10 Q Did you understand that he worked less, the  
11 same or more hours than you on an average basis?  
12 MR. BATTENFELD: I'll object to the  
13 question as being leading and lacking foundation.  
14 THE WITNESS: More than -- more than I did.  
15 BY MR. GREY:  
16 Q When you would leave work at approximately  
17 8:00 o'clock in the evening Monday through Friday, was  
18 it usually the case or not that Soo Kang was still  
19 there?  
20 A Usually -- usually, yes, and there are few  
21 times that we left together too.  
22 Q And was Mr. Park usually there when you'd  
23 leave work at 8:00 o'clock?  
24 THE INTERPRETER: Mr. Park? Am I right?  
25 MR. GREY: Mr. Park.

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1 THE WITNESS: Mr. Park and Mr. Kang.  
2 BY MR. GREY:  
3 Q At the time you worked for U. Lim, where  
4 were you living?  
5 A Nobel Court in an apartment.  
6 Q And where is Nobel Court? What part of  
7 town?  
8 A UTC area.  
9 Q And how long would it take you to get from  
10 your home in UTC to work?  
11 A About 35 to 40 minutes.  
12 Q And how long would it take to get back, to  
13 leave work and get back to your home in the evening?  
14 A If you make it fast, it usually takes about  
15 one hour, but normally about one hour and 30 minutes.  
16 Q And is that additional time because you  
17 have to go through customs?  
18 A Yes. Because when you depart, they don't  
19 check. But, however, when you enter at the border,  
20 they inspect you.  
21 Q Was it your understanding that all of the  
22 managers at U. Lim lived in the United States?  
23 A Yes, they did.  
24 THE WITNESS (Without interpreter): Can I  
25 take a break?

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1 MR. GREY: Sure.  
2 (Recess)  
3 BY MR. GREY:  
4 Q On the days that you were not working,  
5 could you tell whether or not Soo Kang had been  
6 working on those days?  
7 MR. BATTENFELD: I'll object to the  
8 question as being leading and lacking foundation.  
9 THE WITNESS: Yes, I was able to know.  
10 BY MR. GREY:  
11 Q And how were you able to know?  
12 A My position was a purchasing assistant  
13 manager. So whether he worked or not, if I see the --  
14 after the fact that by looking at the invoices.  
15 Q You could tell that Soo Kang had worked?  
16 A Yes.  
17 Q And how frequently during your three months  
18 did you observe documents that suggested to you that  
19 Soo Kang had worked on days you had not?  
20 MR. BATTENFELD: I'll object to the  
21 question as being leading, argumentative, ambiguous  
22 and lacking foundation.  
23 THE WITNESS: The procedures of a warehouse  
24 whenever when they send the materials from warehouse  
25 to the production line, the people who work there --

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1 they are Mexicans. They are supposed to get  
2 authorization from me, but when -- during my absence  
3 they should get from Mr. Kang. In that way I knew.  
4 MR. BATTENFELD: And I'll move to strike  
5 the answer as being nonresponsive.  
6 BY MR. GREY:  
7 Q You indicated that you worked approximately  
8 two to three Saturdays each month, correct?  
9 A Yes.  
10 Q Is it your recollection that each Saturday  
11 you worked, Mr. Kang also worked?  
12 A Yes.  
13 MR. BATTENFELD: And I'll object to the  
14 question -- let me finish. I'll object to the  
15 question as being leading.  
16 BY MR. GREY:  
17 Q Based on your position as assistant  
18 purchasing manager and your knowledge of the invoices,  
19 do you have any estimate of how many Saturdays  
20 Mr. Kang would work during the months that you were  
21 employed at U. Lim?  
22 MR. BATTENFELD: I'll object to the  
23 question as being leading, argumentative, ambiguous  
24 and lacking foundation.  
25 THE WITNESS: I recollect that he did many

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1 times even though my recollection is not that precise.  
2 BY MR. GREY:  
3 Q When you say he did many times, what are  
4 you referring to?  
5 A As I stated earlier about invoices, I could  
6 tell because if I see the invoices. My job whenever I  
7 go to work in the morning -- what I do, I get invoices  
8 and then also inventory, and then also I check the  
9 completed products. I have to make the balance, how  
10 many went out, how many was made. And so by doing so  
11 I was able to tell he worked there during my absence  
12 or not.  
13 Q And is that what you're referring to as  
14 many times?  
15 A Yes.  
16 Q Okay. So it's your testimony that Soo Kang  
17 worked many times when you were not working; is that  
18 correct?  
19 MR. BATTENFELD: And I'll object to the  
20 question as being leading, argumentative, lacking  
21 foundation.  
22 THE WITNESS: During Saturdays, during my  
23 employ there, most of times I worked more like most  
24 Saturdays. Therefore, I knew he was there more than  
25 even checking about documents.

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1 But Sundays when I was not there, I could  
2 tell that he was working or he worked there by looking  
3 at those documents because looking at those documents  
4 were one of my duties.  
5 MR. BATTENFELD: And I'll move to strike  
6 the answer as being nonresponsive.  
7 BY MR. GREY:  
8 Q Is it your testimony then that he worked  
9 many Sundays when you were not there?  
10 A Yes.  
11 MR. BATTENFELD: I'll object.  
12 Please wait till I can make my objection.  
13 I'll object to the question as being  
14 leading, argumentative, ambiguous, overbroad, lacking  
15 foundation.  
16 BY MR. GREY:  
17 Q Do you have any estimate as to how many  
18 Sundays Mr. Kang would work while you were at U. Lim  
19 during any given month?  
20 MR. BATTENFELD: And I'll object to the  
21 question as being leading and lacking foundation.  
22 THE WITNESS: About two, three times.  
23 BY MR. GREY:  
24 Q Each month?  
25 A Total. Total.

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1 Q Okay. So is that two or three times more  
2 than the two Sundays you worked or including the two  
3 Sundays you worked?  
4 MR. BATTENFELD: And I'll object to the  
5 question. It's been asked and answered. And I'll  
6 also object to the question as leading.  
7 THE WITNESS: Your question was during my  
8 absence how many times he worked. Therefore, the time  
9 or Sundays I worked were not included there.  
10 BY MR. GREY:  
11 Q Okay. Thank you. During the normal day,  
12 when would you have lunch?  
13 A There is no indicated lunchtime. Sometimes  
14 3:00 o'clock, sometimes 2:00 o'clock, sometimes  
15 1:00 o'clock.  
16 Q What would determine when you had lunch?  
17 A Tae Jin Yoon.  
18 Q And what do you mean Tae Jin Yoon?  
19 A He said, "Let's have lunch," then we should  
20 have lunch.  
21 Q Is it your testimony then that you'd wait  
22 for Tae Jin Yoon before you'd have lunch?  
23 MR. BATTENFELD: And I'll object to the  
24 question as being leading.  
25 THE WITNESS: Yes.

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1 BY MR. GREY:  
2 Q Why did you have to wait for Tae Jin Yoon  
3 to have lunch?  
4 MR. BATTENFELD: I'll object to the  
5 question as being argumentative and leading.  
6 THE WITNESS: That is more like you do in  
7 the company. That is what you are -- you get into.  
8 BY MR. GREY:  
9 Q Did anyone ever tell you that you need to  
10 wait for Tae Jin Yoon before you had lunch?  
11 MR. BATTENFELD: And I'll object to the  
12 question as leading.  
13 THE WITNESS: What I meant is when Tae Jin  
14 Yoon says, "Let's have lunch," we go upstairs. Mainly  
15 I had to go upstairs and I wash rice, and then we have  
16 a rice cooker, and I made lunch for everybody.  
17 It's not, you know, when somebody tells me  
18 when to have lunch because when he said, "Let's have  
19 lunch," I had to do that.  
20 BY MR. GREY:  
21 Q Could you have lunch before Tae Jin Yoon  
22 told you that you were going to have lunch?  
23 MR. BATTENFELD: I'll object to the  
24 question as being argumentative, leading, and it's  
25 misstating the witness' testimony.

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1 THE WITNESS: You cannot even imagine doing  
2 that.  
3 BY MR. GREY:  
4 Q Did you ever observe Tae Jin Yoon yelling  
5 at any of the managers?  
6 MR. BATTENFELD: And I'll object to the  
7 question as being leading and argumentative.  
8 THE WITNESS: Daily events.  
9 BY MR. GREY:  
10 Q And can you describe the yelling you  
11 observed.  
12 MR. BATTENFELD: And I'll object to the  
13 question as being ambiguous and overbroad.  
14 THE WITNESS: In the meeting room, daily  
15 event is due to that he yells about the amount of  
16 production prior to that day of the meeting. So you  
17 see that daily.  
18 BY MR. GREY:  
19 Q Did you observe him yelling mostly at the  
20 Korean employees or the Mexican employees or both?  
21 MR. BATTENFELD: And I'll object to the  
22 question as being leading and argumentative and  
23 ambiguous as to time.  
24 THE WITNESS: I have seen not even once  
25 that he yelled to Mexicans. He only yelled to

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1 Koreans.  
2 BY MR. GREY:  
3 Q When you had lunch with Tae Jin Yoon, were  
4 any Mexicans invited to that lunch?  
5 THE INTERPRETER: Would you repeat that? I  
6 didn't --  
7 BY MR. GREY:  
8 Q When you had lunch with Tae Jin Yoon, were  
9 any Mexicans invited to those lunches?  
10 A Not once.  
11 Q Did you ever engage in social activities  
12 with Mr. Yoon?  
13 A Yes.  
14 Q What were the types of social activities  
15 you engaged in with Mr. Yoon?  
16 A Bar or strip bar or poker game. That's  
17 all.  
18 Q And how often would you engage in poker  
19 games with Tae Jin Yoon?  
20 A About once or twice every two weeks.  
21 Q Once or twice every two weeks?  
22 THE INTERPRETER: Every two weeks.  
23 THE WITNESS: Sometimes twice a week.  
24 Sometimes once a week.  
25 ///

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1 BY MR. GREY:  
2 Q And where were these poker games held?  
3 A Tae Jin's house.  
4 Q And what days of the week were these poker  
5 games held on?  
6 A It doesn't matter. Any day.  
7 Q There was no regular day?  
8 A No. When Tae Jin wants to do that, you got  
9 to do that.  
10 Q Did any of these poker games occur on  
11 Sunday through Thursday night?  
12 A You mean from Thursday night continue to  
13 Sunday night?  
14 Q No. Did you hold these poker games after  
15 work?  
16 A Yes. Always after the work.  
17 Q Were any of these poker games held on  
18 Sunday night, Monday night, Tuesday, Wednesday or  
19 Thursday?  
20 A Yes.  
21 Q So they were held on days that you had work  
22 the next day, correct?  
23 A Yes.  
24 Q Okay. And was that frequently the case?  
25 A Yes.



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<p>1 MR. BATTENFELD: I'll object to the                  2 question as vague, leading and argumentative and                  3 ambiguous.                  4 BY MR. GREY:                  5 Q How late would these poker games usually go                  6 to?                  7 A The night I recall is it ended at                  8 6:00 o'clock in the morning. So I went home to                  9 shower, change clothes and went to work. But usually                  10 it ends about 3:00, 4:00 o'clock in the morning.                  11 Q And would you be at work each day following                  12 the poker game?                  13 A I did.                  14 Q Who would usually join you at these poker                  15 games?                  16 A There are regular members. Tae Jin Yoon,                  17 Mr. Park, Mr. Ko, Mr. Kang. And Cho attended, but,                  18 however, he was not there all the time. He joined                  19 several times.                  20 Q Who?                  21 A Cho, Mr. Cho.                  22 Q And would Tae Jin Yoon normally go to work                  23 the following day after these poker games?                  24 A No. There are times that he didn't come.                  25 Usually he shows up after 12:00 next day.</p>	<p>1 Q And how about Mr. Cho? Would he usually                  2 work a day following when he was participating in the                  3 program?                  4 A Mr. Cho didn't do that many times.                  5 However, even if he did poker game, he left for home                  6 early.                  7 MR. BATTENFELD: And I'll move to strike                  8 the answer as being nonresponsive.                  9 BY MR. GREY:                  10 Q Just to clarify, would Mr. Cho normally                  11 work following a poker game he attended?                  12 A Yes.                  13 Q Would he normally be at work the same time                  14 that he usually was at work?                  15 A Yeah. There are times that he comes late,                  16 but not always.                  17 Q Generally speaking, was Mr. Cho the only                  18 one to leave the poker games early?                  19 A Yes.                  20 Q And did you observe Mr. Kang and Mr. Park                  21 working their normal business hours following each of                  22 these poker games?                  23 A Yes. Because we go to work together.                  24 Q Did you find it difficult to work -- to                  25 play poker till 3:00 or 4:00 in the morning and then</p>

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<p>1 go to work the next day?                  2 MR. BATTENFELD: I'll object --                  3 THE WITNESS: Yes.                  4 MR. BATTENFELD: -- as being argumentative                  5 and leading.                  6 THE WITNESS: Yes, it was difficult.                  7 BY MR. GREY:                  8 Q Did you ever miss work the following day                  9 because of the poker game?                  10 A No. I didn't miss any work, but only one                  11 occasion that, because I was so tired, I went to work                  12 late.                  13 Q Was there any repercussion to you for                  14 showing up to work late that day?                  15 MR. BATTENFELD: And I'll object to the                  16 question as being leading and argumentative.                  17 THE WITNESS: The person I recall about                  18 that event is -- you think about Tae Jin Yoon. I                  19 think happened to be that day. He didn't come to work                  20 that day, but next day he didn't talk to me for all                  21 day.                  22 BY MR. GREY:                  23 Q How long was it before he started talking                  24 to you again?                  25 A I don't remember exactly, but usually it</p>	<p>1 last about three days or more than three days.                  2 Q What was your understanding of why he was                  3 not talking to you?                  4 MR. BATTENFELD: I'll object to the                  5 question as lacking foundation.                  6 THE INTERPRETER: Let me -- I want him                  7 to --                  8 THE WITNESS: Like there was mention by the                  9 manager who was the bottom of the line, that it's like                  10 military because when you miss one day of work or are                  11 late, it's like have to be like the military camp.                  12 MR. BATTENFELD: I'll move to strike the                  13 answer as being nonresponsive.                  14 BY MR. GREY:                  15 Q Was it your understanding that Tae Jin was                  16 upset at you for arriving late to work that day?                  17 MR. BATTENFELD: And I'll object to the                  18 question as leading.                  19 THE WITNESS: Yes, I felt that way.                  20 BY MR. GREY:                  21 Q Did you feel that attending these poker                  22 games was optional or mandatory?                  23 MR. BATTENFELD: I'll object to the                  24 question as being leading, argumentative and lacking                  25 foundation.</p>

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1 THE WITNESS: I felt it was mandatory.  
2 BY MR. GREY:  
3 Q Why did you feel attending these poker  
4 games was mandatory?  
5 A He always emphasized that we are a team  
6 going for one goal. And then when we go to strip bar,  
7 bars or poker game, that is something we only know.  
8 We cannot tell our family members about it when we go.  
9 This is more like as a team we do together.  
10 Q Did Tae Jin ever tell you that you must  
11 attend any of these poker games or events at the bar?  
12 MR. BATTENFELD: And I'll object to the  
13 question as being leading and argumentative.  
14 THE WITNESS: Yes.  
15 BY MR. GREY:  
16 Q As part of your work schedule, were there  
17 any regularly scheduled meetings with the managers?  
18 A Yes.  
19 Q And how often would you have these  
20 meetings?  
21 A Almost daily.  
22 Q And who would generally be in attendance at  
23 these meetings?  
24 A Mr. Park, Mr. Ko, Mr. Kang, me and Mr. Cho  
25 and Tae Jin Yoon.

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1 Q Was Raul Carillo ever at these meetings?  
2 THE INTERPRETER: What was the first --  
3 MR. GREY: Raul Carillo.  
4 THE WITNESS: He couldn't attend for the  
5 meeting, daily meeting. I think he attended for just  
6 few minutes to explain about the parts he was in  
7 charge.  
8 MR. BATTENFELD: Who was the witness  
9 referring to there?  
10 THE WITNESS: Raul.  
11 BY MR. GREY:  
12 Q Raul Carillo was assistant manager for  
13 Mr. Park, correct?  
14 A Yes. Quality control.  
15 Q And just so I understand your testimony  
16 correctly, he would not normally attend these morning  
17 meetings?  
18 A No, he doesn't.  
19 Q Okay. And what was Tae Jin Yoon's role at  
20 these daily meetings?  
21 A Usually what we talk about, the goals for  
22 products for daily. He gets every department reports,  
23 and then he signs. And then also he talks about the  
24 assembly productions, about how much should be  
25 produced, so and so.

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1 Q Did Tae Jin Yoon ever yell at these  
2 meetings?  
3 A Daily he yells.  
4 Q Were there any particular persons that he  
5 would yell at more than others?  
6 A From beginning I was able to observe that  
7 he was yelling mainly to Mr. Park and Mr. Soo Kang.  
8 Q He would not yell at frequently to Mr. Cho;  
9 is that correct?  
10 MR. BATTENFELD: I'll object to the  
11 question as being leading and misstating the witness'  
12 prior testimony.  
13 THE WITNESS: Yes. I observed it that he  
14 was yelling, but not that frequently.  
15 BY MR. GREY:  
16 Q Did you have any understanding whether or  
17 not Tae Jin Yoon had any personal relationship with  
18 Mr. Cho?  
19 MR. BATTENFELD: And I'll object to the  
20 question as leading and ambiguous with respect to the  
21 phrase personal relationship.  
22 THE WITNESS: Yes.  
23 BY MR. GREY:  
24 Q And what was your understanding of that  
25 relationship?

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1 A Mr. Cho and Mr. Ko and Mr. Parker are  
2 friends.  
3 Q Was Tae Jin Yoon friends with Mr. Cho?  
4 A Yes, they are friends.  
5 Q And was he friends with Mr. Ko?  
6 A Yes.  
7 Q Would you say that he was also friends with  
8 Mr. Park?  
9 A In Korea they grew up together, Mr. Cho and  
10 Mr. Ko and Mr. Yoon. Not Mr. Cho. Mr. Parker and  
11 Mr. Ko.  
12 Q Did you observe that Mr. -- or Tae Jin Yoon  
13 was a friend of Mr. Park?  
14 MR. BATTENFELD: And I'll object to the  
15 question as being leading and ambiguous.  
16 THE WITNESS: Yes.  
17 BY MR. GREY:  
18 Q Did you observe that friendship to be as  
19 close as the friendship he had with Mr. Cho?  
20 MR. BATTENFELD: I'll object to the  
21 question as being leading, argumentative, lacking  
22 foundation.  
23 THE WITNESS: No, he was not.  
24 BY MR. GREY:  
25 Q Is it your testimony then that he was

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<p>1 closer friends with Mr. Cho?</p> <p>2 A Yes.</p> <p>3 Q Did you consider that he was friends with</p> <p>4 Mr. Kang -- I'm referring now to Tae Jin. I'm</p> <p>5 referring to Tae Jin. Tae Jin being friends with</p> <p>6 Mr. Kang.</p> <p>7 A No.</p> <p>8 Q When you indicated that Tae Jin would</p> <p>9 frequently yell at these meetings, how often -- rather</p> <p>10 how long would this yelling occur?</p> <p>11 MR. BATTENFELD: I'll object to the</p> <p>12 question as being ambiguous as to time.</p> <p>13 THE WITNESS: Yelling begins from the</p> <p>14 beginning of the meeting, and it ends when meeting</p> <p>15 ends.</p> <p>16 BY MR. GREY:</p> <p>17 Q Is it your testimony that Tae Jin Yoon</p> <p>18 would normally yell at these meetings at the managers?</p> <p>19 A Yes.</p> <p>20 MR. BATTENFELD: I'm sorry. Could you read</p> <p>21 the question and answer back. Yes, the question. I</p> <p>22 don't need the translation.</p> <p>23 (Record read)</p> <p>24 BY MR. GREY:</p> <p>25 Q Did you ever observe Tae Jin Yoon yelling</p>	<p>1 at any of the managers for more than one hour?</p> <p>2 A Yes.</p> <p>3 Q Did you ever observe Tae Jin Yoon yelling</p> <p>4 at any of the managers for more than two hours?</p> <p>5 A Yes. I said there were times that he did</p> <p>6 for two hours. I said two hours are proper way to</p> <p>7 say.</p> <p>8 Q And who -- which manager specifically did</p> <p>9 you observe him yelling at for up to two hours?</p> <p>10 MR. BATTENFELD: And I'll object to the</p> <p>11 question as being ambiguous with respect to the phrase</p> <p>12 up to two hours.</p> <p>13 THE WITNESS: Each day to different</p> <p>14 individual, Mr. Ko, Mr. Park, and Mr. Kang.</p> <p>15 BY MR. GREY:</p> <p>16 Q And when he was yelling at Mr. Ko, Mr. Park</p> <p>17 or Mr. Kang, were they normally sitting or standing</p> <p>18 when this occurred?</p> <p>19 MR. BATTENFELD: And I'll object to the</p> <p>20 question.</p> <p>21 THE WITNESS: Sitting.</p> <p>22 MR. BATTENFELD: I'll object to the</p> <p>23 question as being overbroad and ambiguous as to which</p> <p>24 individual or which incident is being referred to.</p> <p>25 THE WITNESS: Usually when we attend</p>

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<p>1 meeting, we never stood. However, we were sitting.</p> <p>2 But, however, when he does stand, we have to place the</p> <p>3 head down.</p> <p>4 BY MR. GREY:</p> <p>5 Q Did you ever observe him throw anything at</p> <p>6 any of the managers at these meetings?</p> <p>7 MR. BATTENFELD: I'll object to the</p> <p>8 question as being leading.</p> <p>9 THE WITNESS: Yes. I observe frequently,</p> <p>10 and also he did that to me too.</p> <p>11 BY MR. GREY:</p> <p>12 Q What objects, if any, did you observe him</p> <p>13 throwing at any of the managers including yourself?</p> <p>14 A As I stated earlier, that each department</p> <p>15 submit to him for each production line report. Then</p> <p>16 when -- when he was yelling, he threw, which was</p> <p>17 something to him in this manner. Then he throw that</p> <p>18 back to us and then anything just around him such as</p> <p>19 rulers, lighters and then pens. He threw at the</p> <p>20 managers.</p> <p>21 Q Did you ever observe him throw an ashtray</p> <p>22 at any time?</p> <p>23 MR. BATTENFELD: Object to the question as</p> <p>24 being leading.</p> <p>25 THE WITNESS: Yes. To Mr. Park.</p>	<p>1 BY MR. GREY:</p> <p>2 Q Did it hit Mr. Park?</p> <p>3 A Yes, it did.</p> <p>4 Q Do you remember what the ashtray was made</p> <p>5 out of?</p> <p>6 A Crystal.</p> <p>7 Q Did you ever observe Mr. Yoon physically</p> <p>8 strike any of the managers?</p> <p>9 MR. BATTENFELD: I'll object to the</p> <p>10 question as being leading.</p> <p>11 THE WITNESS: Yes, I did.</p> <p>12 BY MR. GREY:</p> <p>13 Q What did you observe?</p> <p>14 A Like with a ruler he hit our cheeks or our</p> <p>15 face. He kicked the managers' bottom portion of the</p> <p>16 body.</p> <p>17 Q Who did you observe him hit with a ruler?</p> <p>18 A Mr. Park, Mr. Kang.</p> <p>19 Q And approximately how many times did you</p> <p>20 observe him strike Mr. Park with a ruler?</p> <p>21 A It was so quick, you cannot count. But if</p> <p>22 you want me to state, at least more than ten times.</p> <p>23 Q And when he would hit Mr. Park, would he</p> <p>24 hit him with the flat edge of the ruler or the narrow</p> <p>25 edge of the ruler?</p>



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<p>1 MR. BATTENFELD: I'll object to the</p> <p>2 question -- I'll object to the question as being</p> <p>3 leading and ambiguous as to time.</p> <p>4 THE WITNESS: When he hit face and cheek,</p> <p>5 the flat portion he was hitting. When he was hitting</p> <p>6 the person with a ruler, head and body, he did the</p> <p>7 narrow edge portion.</p> <p>8 BY MR. GREY:</p> <p>9 Q You said you observed Mr. Yoon kick or</p> <p>10 strike the lower portion of the assistant -- one of</p> <p>11 the assistant manager's bodies; is that correct?</p> <p>12 A Yes. Leg portion.</p> <p>13 Q This is the portion below the knee,</p> <p>14 correct?</p> <p>15 A Yes. It's correct.</p> <p>16 Q And he would strike this portion with what</p> <p>17 part of his body?</p> <p>18 A Like his foot, with his shoe.</p> <p>19 Q So it would be correct to say you observed</p> <p>20 him kick assistant managers in the portion of the leg</p> <p>21 below the knee?</p> <p>22 A Yes. If you want to be precise, yes.</p> <p>23 Q And who did you observe him kick in this</p> <p>24 manner?</p> <p>25 A Mr. Park and Mr. Kang.</p>	<p>1 Q And approximately how many times did you</p> <p>2 observe this conduct?</p> <p>3 MR. BATTENFELD: Object to the question as</p> <p>4 being vague and ambiguous as to which conduct is being</p> <p>5 referred to.</p> <p>6 MR. GREY: Conduct referring to the</p> <p>7 kicking.</p> <p>8 MR. BATTENFELD: It's still same objection</p> <p>9 as to who specifically he's referring to being kicked.</p> <p>10 BY MR. GREY:</p> <p>11 Q You can answer.</p> <p>12 A Mr. Kang about three or four times I</p> <p>13 observed, and Mr. Park more than five times I saw.</p> <p>14 Q Did these events occur, the kicking occur,</p> <p>15 at those daily meetings?</p> <p>16 A No, not always. However, he did that at</p> <p>17 the meeting too.</p> <p>18 MR. GREY: Let's take a two-minute break</p> <p>19 here.</p> <p>20 (Recess)</p> <p>21 (Record read)</p> <p>22 BY MR. GREY:</p> <p>23 Q When you observed Tae Jin yelling at any of</p> <p>24 the managers, did you observe him insult them in any</p> <p>25 way?</p>

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<p>1 MR. BATTENFELD: I'll object to the</p> <p>2 question as leading and ambiguous.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. GREY:</p> <p>5 Q What were the sort of insults you recall</p> <p>6 occurring?</p> <p>7 MR. BATTENFELD: Object to the question as</p> <p>8 being ambiguous as to time and individual.</p> <p>9 THE WITNESS: He -- the questions -- some</p> <p>10 issues that he only knows which not managers start.</p> <p>11 THE REPORTER: I'm not understanding that.</p> <p>12 I apologize.</p> <p>13 THE WITNESS: He ask questions that only he</p> <p>14 knows the answer, not the managers have the</p> <p>15 information. So when manager do not have the</p> <p>16 information, he said, "How come you don't know?"</p> <p>17 Treats them like very stupid and then tell them</p> <p>18 that -- "Go to study about it."</p> <p>19 BY MR. GREY:</p> <p>20 Q I don't know if this translates into</p> <p>21 Korean, but did he ever call them any names?</p> <p>22 MR. BATTENFELD: Object to the question as</p> <p>23 being ambiguous as to who is being referred to by</p> <p>24 "they" and as to time as to incident.</p> <p>25 THE WITNESS: Such as slangs?</p>	<p>1 BY MR. GREY:</p> <p>2 Q Potentially.</p> <p>3 A Of course.</p> <p>4 Q What sort of slangs?</p> <p>5 A Like such as slangs if it is --</p> <p>6 MR. BATTENFELD: Is that slangs?</p> <p>7 THE WITNESS: Slangs.</p> <p>8 THE INTERPRETER: I could translate it like</p> <p>9 colloquial words.</p> <p>10 BY MR. GREY:</p> <p>11 Q Like what?</p> <p>12 A Such as Mr. Ko and Mr. Park they grew up</p> <p>13 together, so he was using different name to them. And</p> <p>14 I made -- that's all I remember.</p> <p>15 THE INTERPRETER: I may have translated</p> <p>16 though your question -- I have feeling which I don't</p> <p>17 feel comfortable when I do make mistakes. I like to</p> <p>18 make -- it's my statement. When I don't make precise</p> <p>19 correct verb in translation, there are times that if</p> <p>20 one word is given to me, I can pick about two, three</p> <p>21 choices. I don't think I have translated your</p> <p>22 question correctly. So would you repeat it?</p> <p>23 BY MR. GREY:</p> <p>24 Q When he was yelling at the managers,</p> <p>25 whether that be Mr. Park or Mr. Kang or one of the</p>

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1 other managers, did he ever call them a name which the  
2 name itself was insulting?  
3 MR. BATTENFELD: And I'll object to the  
4 question as being ambiguous as to time, as to a  
5 particular incident and as to a particular individual.  
6 THE WITNESS: Like when he does that there  
7 are titles, like Park or some kind of titles were  
8 given to them, but, however, he always --  
9 THE REPORTER: I don't understand.  
10 THE WITNESS: Ignores titles of individual  
11 except those titles, for instance, like Park and so  
12 and so. He curse at them by using the words like,  
13 "You stupid" or "You" -- like "Jerk."  
14 THE WITNESS (without interpreter): Jerk.  
15 THE WITNESS: Like that way.  
16 BY MR. GREY:  
17 Q What were all the curses?  
18 THE WITNESS (without interpreter): Excuse  
19 me.  
20 THE REPORTER: Off the record?  
21 MR. GREY: Uh-huh.  
22 (Discussion off the record)  
23 THE WITNESS: As I stated earlier, stupid,  
24 jerk.  
25 ///

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1 BY MR. GREY:  
2 Q Do you remember him ever calling them  
3 assholes or sons of a bitch?  
4 MR. BATTENFELD: I'll object to the  
5 question as being leading and ambiguous as to who  
6 "they" are.  
7 THE WITNESS: I didn't hear he said those  
8 words to Soo Kang, but I heard that quite worse words  
9 on Mr. Park.  
10 MR. BATTENFELD: I didn't understand the  
11 translation that you just gave.  
12 THE INTERPRETER: I didn't hear he was  
13 saying those words, bad words, on Mr. Kang, but -- Soo  
14 Kang, but I heard that he was using those bad, bad  
15 words on Mr. Park.  
16 MR. BATTENFELD: which bad words?  
17 THE INTERPRETER: Bad words like cursing  
18 words.  
19 MR. GREY: Like specifically asshole or son  
20 of a bitch.  
21 THE WITNESS: Both words he used.  
22 BY MR. GREY:  
23 Q On Mr. Park?  
24 A Yes.  
25 Q How often do you recall Tae Jin Yoon

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1 cursing at Mr. Park?  
2 A I can't count since he did so frequently.  
3 Q Give me your best estimate of how  
4 frequently he would curse at Mr. Park.  
5 A It's not that many times a day, just that  
6 once you have meeting, just the same day, next day,  
7 always. I couldn't understand why he was working  
8 there.  
9 Q Is it your testimony that he would normally  
10 curse at Mr. Park every day?  
11 A Mostly, yes.  
12 Q And how often would he curse at Mr. Kang?  
13 MR. BATTENFELD: And I'll object to the  
14 question as being leading and as misstating the  
15 witness' testimony which I understood to be that he  
16 did not call Mr. Kang curse words.  
17 BY MR. GREY:  
18 Q Do you understand the question?  
19 A I don't believe that he cursed at Mr. Kang,  
20 but, however, I observed that he threw objects at  
21 Mr. Kang.  
22 Q Are you defining curse to be simply asshole  
23 and son of a bitch, those two words?  
24 MR. BATTENFELD: And I'll object to the  
25 question as being leading.

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1 BY MR. GREY:  
2 Q You can answer.  
3 A He used both son of a bitch and asshole.  
4 Q Okay. When you refer to cursing, are you  
5 referring to the words stupid and jerk as well?  
6 A He does both.  
7 Q Did you ever hear Tae Jin Yoon call  
8 Mr. Kang stupid or call him a jerk?  
9 A Yes.  
10 Q Okay. And is this something you would hear  
11 on a daily basis?  
12 MR. BATTENFELD: And I'll object to the  
13 question as being leading and ambiguous.  
14 THE WITNESS: Very clear the recollection I  
15 have, one occasion he did that to Mr. Kang.  
16 BY MR. GREY:  
17 Q Did you ever observe Mr. Yoon grab either  
18 Mr. Park or Mr. Kang in any manner?  
19 MR. BATTENFELD: I'll object to the  
20 question as being leading, argumentative and  
21 ambiguous.  
22 THE WITNESS: No, I have not.  
23 BY MR. GREY:  
24 Q Did you ever observe Mr. Park or Mr. Kang  
25 or -- strike that.

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<p style="text-align: right;">Page 58</p> <p>1 Did you ever observe Mr. Yoon grab Mr. Park</p> <p>2 or Mr. Kang by the ear?</p> <p>3 THE INTERPRETER: By the ear?</p> <p>4 MR. GREY: By the ear.</p> <p>5 MR. BATTENFELD: I'll object to the</p> <p>6 question as being leading, ambiguous and that the</p> <p>7 question has been asked and answered.</p> <p>8 THE WITNESS: Yes, I did.</p> <p>9 BY MR. GREY:</p> <p>10 Q How many times did you observe Mr. Park</p> <p>11 being grabbed by the ear?</p> <p>12 A Many times.</p> <p>13 Q And how many times did you observe Mr. Kang</p> <p>14 being grabbed by the ear?</p> <p>15 A I think Mr. Kang's ear got grabbed by</p> <p>16 Mr. Yoon quite frequently, so I can say more than ten</p> <p>17 times.</p> <p>18 Q And when you observed this, how would it</p> <p>19 occur?</p> <p>20 A He didn't do that to me, but whenever I</p> <p>21 observed that, I felt that he tried to show off his</p> <p>22 power. "I have power on you." Or he had to act like</p> <p>23 he was quite an arrogant showman, like I have power</p> <p>24 over you in that manner. It's --</p> <p>25 THE REPORTER: I'm sorry. It's what?</p>	<p style="text-align: right;">Page 59</p> <p>1 THE INTERPRETER: "I felt that it was an</p> <p>2 over action."</p> <p>3 It was not my translation.</p> <p>4 BY MR. GREY:</p> <p>5 Q Did you ever observe an occasion when</p> <p>6 Mr. Kang was ordered by Tae Jin Yoon to grab his own</p> <p>7 ears?</p> <p>8 A Yes, I did.</p> <p>9 MR. BATTENFELD: I'll object to the</p> <p>10 question as being leading and argumentative.</p> <p>11 BY MR. GREY:</p> <p>12 Q And what did you observe?</p> <p>13 A Can I explain what I saw?</p> <p>14 MR. GREY: For the record he is --</p> <p>15 THE WITNESS (without interpreter): No. He</p> <p>16 talking to Soo.</p> <p>17 MR. GREY: Okay. For the record, the</p> <p>18 deponent is grabbing both of his ears with his hands.</p> <p>19 THE WITNESS: And he told him, "Grab your</p> <p>20 two ears and sit down in that way and sing."</p> <p>21 BY MR. GREY:</p> <p>22 Q And what do you mean by sit down?</p> <p>23 A Sit like this and jumping up and down. And</p> <p>24 at the same time jump up and down and sing a song.</p> <p>25 Q Do you know why Tae Jin Yoon told Mr. Kang</p>
<p style="text-align: right;">Page 60</p> <p>1 to do this?</p> <p>2 MR. BATTENFELD: I'll object to the</p> <p>3 question as being leading and calling for speculation.</p> <p>4 THE WITNESS: I saw him exercising his</p> <p>5 power on him. And then also the behavior -- like the</p> <p>6 acting he demanded him to do was more like the</p> <p>7 kindergarten-like play in Korea. So him demanding</p> <p>8 this grown man to do that kindergarten acting, I felt</p> <p>9 that he was insulting a grown man. And then also I</p> <p>10 saw him clearly that he was enjoying by watching the</p> <p>11 acting in front of him.</p> <p>12 MR. BATTENFELD: I'll move to strike the</p> <p>13 answer as being nonresponsive to the question.</p> <p>14 BY MR. GREY:</p> <p>15 Q Did you ever go on any trips with Tae Jin</p> <p>16 Yoon or any of the other managers of U. Lim while you</p> <p>17 were employed at U. Lim?</p> <p>18 A When you say trip, what trips are you</p> <p>19 talking?</p> <p>20 Q Either work-related trips outside --</p> <p>21 A Like a bar or strip bar, that's not a trip,</p> <p>22 right, that one?</p> <p>23 Q Let me clarify. I'm not referring now to a</p> <p>24 simple evening out to the strip bar or poker, but</p> <p>25 trips which would be extended more than one evening.</p>	<p style="text-align: right;">Page 61</p> <p>1 A Yes, we did a ski trip like one night, two</p> <p>2 days.</p> <p>3 Q And where was this trip to?</p> <p>4 A Big Bear, Snow Summit.</p> <p>5 Q Was this a trip that only the Korean</p> <p>6 managers were invited to?</p> <p>7 MR. BATTENFELD: I'll object to the</p> <p>8 question as being leading.</p> <p>9 THE WITNESS: Yes. Managers and the</p> <p>10 families.</p> <p>11 BY MR. GREY:</p> <p>12 Q Were any Mexican employees of U. Lim</p> <p>13 invited on this trip?</p> <p>14 A No.</p> <p>15 Q You indicated that the families were</p> <p>16 invited -- of those Korean managers who were invited,</p> <p>17 the families were invited as well?</p> <p>18 A It's correct.</p> <p>19 Q Did the managers stay in the same place as</p> <p>20 the family members at Big Bear?</p> <p>21 A Yes, we did. One cabin, and we stayed</p> <p>22 together. I'm sorry. We rented two cabins. The</p> <p>23 unmarried people stayed in one separate cabin, married</p> <p>24 people stayed in one cabin.</p> <p>25 Q Which cabin were you in?</p>

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<p>1 A Married cabin.  2 Q And where did you ski?  3 A Snow Summit.  4 Q Did you and all the family members ski  5 together?  6 A First years we did.  7 Q The first what?  8 A Yes, we did together.  9 Q Was there ever a time when the managers  10 were separated from the family?  11 A I went with my wife. No. I was not  12 separated. But others, yes, they did.  13 Q Why were the others separated?  14 A The first reason was there were beginner  15 skiers and there was children. Because of children,  16 we could not go to the higher area ski place. After  17 lunch they were separated. We had lunch. Tae Jin  18 Yoon saw three Korean girls. Tae Jin Yoon said he  19 liked those girls. He told us that we should follow  20 those girls because -- when they were going up to the  21 slope, he told us, "Let's leave our wives down here  22 and let's go to with those girls."  23 That's why we were separated.  24 Q Did you go with Tae Jin Yoon to meet those  25 girls?</p>	<p>1 A No. No. I went up there, but I did with  2 my wife.  3 Q And had Tae Jin Yoon told you to leave your  4 wife below?  5 A Yes, he did.  6 MR. BATTENFELD: Object to the question --  7 object to the question as leading.  8 BY MR. GREY:  9 Q Was Tae Jin Yoon upset at you in any way  10 for not leaving your wife?  11 MR. BATTENFELD: I'll object to the  12 question as leading.  13 THE WITNESS: Yes, he was upset.  14 BY MR. GREY:  15 Q How did he express that he was upset?  16 A As I stated earlier repeatedly, that he  17 didn't curse at me. However, the only one way he did  18 express his anger at me was when he was upset, he  19 didn't talk to me.  20 Q Did he stop talking to you after you  21 indicated you were going to bring your wife along?  22 A He didn't talk to me.  23 Q When you got back to U. Lim after the trip,  24 was Mr. Yoon still upset at you?  25 MR. BATTENFELD: I'll object to the</p>

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<p>1 question as being leading and argumentative.  2 THE WITNESS: Yes. The first day when we  3 came back.  4 BY MR. GREY:  5 Q Did he say anything to you that day about  6 the trip?  7 A Yes, he did.  8 Q What did he say?  9 A He said, "What kind company is this? The  10 manager who is on bottom line did not obey me, and the  11 bottom of the line manager did things as he wishes to  12 do."  13 Q Do you recall him threatening you in any  14 way as a result of this perceived disobedience?  15 MR. BATTENFELD: Object to the question as  16 being leading and argumentative.  17 THE WITNESS: When you say threatening,  18 would you define what it is?  19 BY MR. GREY:  20 Q Threatening you in any way, whether it  21 related to your work, physically or anything that you  22 took as a threat to your well-being or your  23 employment.  24 A Not physically I was threatened, but he  25 stated that, "If you want to do that, go ahead and</p>	<p>1 quit the work."  2 Q When he told you you should quit, did this  3 upset you in any way?  4 MR. BATTENFELD: Object to the question as  5 leading.  6 THE WITNESS: Yes, very much so.  7 BY MR. GREY:  8 Q Why did it upset you?  9 A I felt that I was insulted. I felt that I  10 was treated like a sub human being, not exactly like  11 human like, and I felt that there was no hope to stay  12 in the company, that there is no vision at all.  13 Q Did this cause you to quit?  14 A Yes.  15 MR. BATTENFELD: I'll object to the  16 question as being leading.  17 BY MR. GREY:  18 Q Did you quit your employment at U. Lim?  19 A Yes.  20 Q What were your reasons for quitting your  21 employment at U. Lim?  22 A First reason is -- first I left home about  23 6:00 o'clock. I had to wake about at least  24 6:00 o'clock in the morning to leave the house  25 7:00 o'clock. No. To go to work at 7:00 o'clock.</p>



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1 And I stayed until about usually 9:00 o'clock. I felt  
2 that I was abandoning my own family.  
3 I worked very hard all day there. For the  
4 price, I was insulted. And then also I got scared  
5 when I was thinking about I want to be in the place  
6 like Kang, Cho, Park, Ko if I stayed here longer.  
7 Like, for instance, like the insulting them, abusing  
8 them in that way. In future I would be exactly like  
9 the place -- I would be placed like those people. So  
10 there was no future. My wife objected.  
11 In addition to that, I started having some  
12 physical problems.  
13 Q What sort of physical problems were you  
14 having?  
15 A I had -- I didn't consume any food, but I  
16 had full stomach like with gas, and I started to have  
17 diarrhea, and I didn't have even to go see doctor.  
18 Q Did you ever see a doctor for these  
19 problems?  
20 A Yes. I went to see doctors continuously as  
21 soon as I quit the job.  
22 Q Did they ever tell you what they thought  
23 the cause of this problem was?  
24 A Close stitching [sic]. If I explain that  
25 what the symptoms I had was if you have the stomach,

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1 like the small intestine and large one, then the small  
2 intestine was starting rot.  
3 Q Did you have an operation for this?  
4 A Yes. I had surgery.  
5 Q Did the doctor tell you what caused this  
6 problem?  
7 A The name of the symptom is not that known  
8 to public. That was closed stitching [sic], which was  
9 the way I was told by the doctor.  
10 THE REPORTER: I don't understand.  
11 MR. BATTENFELD: Crone's disease?  
12 THE WITNESS (without interpreter): Yeah.  
13 (Discussion off the record)  
14 THE WITNESS: My doctor stated to me that  
15 that symptom was caused by whether genetic or stress.  
16 I have evidences, such as doctors visit, reports,  
17 surgery record, which it would show that that was  
18 right after quitting the job, and the surgery required  
19 about five stitches, five places, and I feel that that  
20 was due to the stress I had.  
21 BY MR. GREY:  
22 Q Did you find working at U. Lim stressful?  
23 MR. BATTENFELD: Object to the question as  
24 being leading.  
25 THE WITNESS: Yes.

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1 BY MR. GREY:  
2 Q How stressful did you find the work at  
3 U. Lim?  
4 MR. BATTENFELD: Objection. Leading.  
5 (Interruption)  
6 (Question read)  
7 MR. BATTENFELD: The same objection.  
8 THE WITNESS: If you look at Mr. Park and  
9 Mr. Cho and Mr. Kang, they were working as if they're  
10 not exactly human being. They were working like  
11 robot.  
12 BY MR. GREY:  
13 Q Robots?  
14 A Robot or military, special military, and  
15 6:00 to 9:00 daily. Think about it. If you cannot --  
16 can you imagine that? I didn't think I should do  
17 that.  
18 Q How would you describe the way Tae Jin Yoon  
19 treated his managers, his Korean managers?  
20 MR. BATTENFELD: Object to the question as  
21 being leading, ambiguous, overbroad.  
22 THE WITNESS: The state of the behaviors of  
23 Mr. Yoon still confuses me. He has two -- totally two  
24 different sides. When you go into the company, it's  
25 not a company. It's more like his kingdom. It's a

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1 special military camp. The thing got confused me is  
2 he kicks, he abuses, he curse at these people, yet  
3 after work he wants to be with them doing some social  
4 activities. And then especially he brought Mr. Cho  
5 from Denver. They said they knew each other.  
6 Another thing is he grew up together with  
7 Mr. Ko and Mr. Park. They are friends. How could a  
8 person treat them in totally two different ways?  
9 Therefore, when you think about it still, it just --  
10 emotionally it confuses me. How could you do that?  
11 BY MR. GREY:  
12 Q Where did you start working after U. Lim?  
13 A Travel Land. It's a travel agency.  
14 Q Who did you interview with for that job?  
15 A The owner name is Kimberly.  
16 Q Do you have any knowledge of Tae Jin  
17 speaking with Kimberly prior to getting that job?  
18 MR. BATTENFELD: I'll object to the  
19 question as being leading.  
20 THE WITNESS: Yes.  
21 BY MR. GREY:  
22 Q And what is your knowledge of any  
23 conversations Tae Jin Yoon had with Kimberly?  
24 THE INTERPRETER: Kimberly, you said?  
25 MR. GREY: Kimberly.

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1 THE WITNESS: He told her to not hire me.  
 2 BY MR. GREY:  
 3 Q Despite this fact you were in fact hired by  
 4 Kimberly, correct?  
 5 A Yes.  
 6 Q I may have covered this, but did you  
 7 observe Tae Jin Yoon kick Soo Kang at any time?  
 8 A Yes, I did.  
 9 MR. GREY: Why don't we go off the record  
 10 for a second.  
 11 (Discussion off the record)  
 12 \* \* \*  
 13  
 14 (LUNCHEON RECESS)  
 15 \* \* \*  
 16  
 17  
 18  
 19 MR. BATTENFELD: Mr. Baek --  
 20 THE WITNESS (without interpreter): Baek,  
 21 yeah.  
 22 MR. BATTENFELD: Have you been able to  
 23 understand the questions that you've been asked so far  
 24 in the deposition, generally speaking? In other  
 25 words, in English?

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1 THE INTERPRETER: Do you want me to  
 2 translate this?  
 3 MR. BATTENFELD: No, not at this point.  
 4 THE WITNESS (without interpreter): Okay.  
 5 MR. GREY: Well, I think you have to  
 6 translate it as we start off, the Korean interpreter.  
 7 She has to at least tell him the question in English,  
 8 and he can answer you.  
 9 So you have to translate.  
 10 THE WITNESS (without interpreter): Mostly.  
 11 MR. BATTENFELD: What I'd like to propose  
 12 to you, because I've listened to your English  
 13 including when you were conducting business on the  
 14 phone in English -- what I'd like to propose is that  
 15 we conduct this deposition in English; that if at any  
 16 point I ask a question that you feel you don't  
 17 understand, that at that point you let me know and ask  
 18 the interpreter for assistance. Or similarly if  
 19 you're not able to answer the question in English, if  
 20 you're unsure of what the proper words should be, to  
 21 also ask for the interpreter's assistance.  
 22 It strikes me from my observation of you  
 23 that you would be able to conduct a good portion of  
 24 the deposition in terms of responding to my questions  
 25 in English, and that way we'll try to move this along

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1 faster.  
 2 Are you comfortable with attempting that?  
 3 (Gesturing to interpreter) Translate.  
 4 MR. GREY: Let me add this. You should  
 5 only agree to that if you are comfortable, okay,  
 6 listening to his questions in English and answering in  
 7 English.  
 8 THE WITNESS (without interpreter): This is  
 9 not comfortable or uncomfortable. I want to correct  
 10 answer. I don't want to miss anything. I don't want  
 11 to make lying or if not I answer to not correct  
 12 answer. I don't want to.  
 13 MR. GREY: Do you feel that you need the  
 14 interpreter?  
 15 THE WITNESS (without interpreter): Yes,  
 16 please.  
 17 MR. GREY: Okay.  
 18 THE WITNESS (without interpreter): That's  
 19 better. I know also I don't want to spend more time  
 20 here.  
 21 MR. BATTENFELD: It will take more time. I  
 22 sense that you don't need the interpreter except for  
 23 perhaps on occasion there may be a phrase --  
 24 THE WITNESS (without interpreter): More  
 25 important is another person need a correct answer. So

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1 I want to do it that way.  
 2 MR. GREY: Okay.  
 3 MR. BATTENFELD: Recognizing that's going  
 4 to take longer.  
 5  
 6 EXAMINATION  
 7 BY MR. BATTENFELD:  
 8 Q Mr. Baek, how long have you lived in the  
 9 United States?  
 10 A About seven years.  
 11 Q What year did you arrive in the United  
 12 States?  
 13 A I not wish to disclose my personal  
 14 information if the question doesn't have any relevance  
 15 with the lawsuit, with all this going on here.  
 16 MR. GREY: Okay.  
 17 BY MR. BATTENFELD:  
 18 Q Well, you're here to testify under oath.  
 19 I'm entitled to ask some background questions about  
 20 you including when you came to the United States, and  
 21 there's no reason, legitimate reason, for you to not  
 22 answer that question. So I'm entitled to an answer.  
 23 And just to let you know the process, if  
 24 you refuse to answer a question, I can go to the court  
 25 and seek an order compelling you to answer the

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1 question. If the court agrees with me and orders you  
2 to answer a question, I may be able to recover, in  
3 addition to having an order that you will be required  
4 to answer the question, recover from you personally my  
5 attorney's fees in having to make such a motion.  
6 I would like to avoid that process and,  
7 therefore, I'll ask you again.  
8 What year did you first come to the United  
9 States?  
10 MR. GREY: And I'll just object to the  
11 question as not reasonably calculated to lead to the  
12 discovery of admissible evidence.  
13 THE WITNESS: I'd like to disclose an  
14 answer for the questions which have direct  
15 relationship or involvement with U. Lim. If you like  
16 to have my personal questions which do not have  
17 anything to do with that employment I had, I think I  
18 don't mind that you go to the court to get approval  
19 from the judge that you can ask me then.  
20 BY MR. BATTENFELD:  
21 Q You have to understand that as part of the  
22 process, I am entitled to inquire into your background  
23 as part of the discovery process. In other words, I'm  
24 not limited to only asking you questions about U. Lim  
25 specifically if there are questions that may be

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1 calculated to lead to the discovery of admissible  
2 evidence in this case, and general background  
3 questions, similar to the ones that I asked Mr. Kang  
4 at his deposition and similar to the ones that I'm  
5 sure Mr. Grey will ask when he takes some other  
6 depositions in this case, are entirely appropriate.  
7 So I'm going to give you another chance to  
8 answer this question and similar questions of this  
9 nature. And I will tell you if you don't, I will go  
10 to court and I will seek an order, and I will seek my  
11 costs from you, and I will collect those costs.  
12 THE WITNESS (without interpreter): From  
13 me?  
14 MR. BATTENFELD: Yes.  
15 THE WITNESS (without interpreter): You  
16 collect me?  
17 MR. BATTENFELD: If I get an order from the  
18 court compelling you to answer questions you have  
19 refused to answer without a legitimate reason, I will  
20 be entitled to ask for my costs as a penalty against  
21 you, not Mr. Kang, not Mr. Grey. You.  
22 THE WITNESS (without interpreter): Okay.  
23 That's my question, Gary [sic]. That's me personally?  
24 Personally I have to pay -- owe him?  
25 MR. GREY: What is the question?

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1 THE WITNESS (without interpreter): He say  
2 penalty I do not answer.  
3 MR. GREY: It is possible that if the court  
4 views --  
5 THE WITNESS (without interpreter): Let me  
6 know.  
7 MR. GREY: It's possible that if the court  
8 views that you unreasonably refuse to testify while  
9 under subpoena, the court could order your testimony,  
10 compel your testimony.  
11 THE WITNESS (without interpreter): Okay.  
12 MR. GREY: And it is possible that the  
13 court could award sanctions relative to the costs that  
14 were incurred because of your failure to testify.  
15 Why don't we, just to avoid --  
16 THE WITNESS (without interpreter): Okay.  
17 I don't know exactly when I came to the  
18 United States. I don't know exactly.  
19 BY MR. BATTENFELD:  
20 Q Approximately.  
21 A (Without interpreter) I think '92 or '93.  
22 I'm sorry. '91 or '92. I'm sorry. Because I was  
23 married '93. Confused a little bit.  
24 Q And are you a U.S. citizen?  
25 A (Without interpreter) Yes, sir.

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1 Q When did you become a U.S. citizen?  
2 A (Without interpreter) I got last year  
3 April.  
4 THE REPORTER: Off the record, please.  
5 (Discussion off the record)  
6 BY MR. BATTENFELD:  
7 Q So you became a U.S. citizen last year?  
8 A Yes.  
9 Q And at the time you were hired by U. Lim,  
10 were you performing some other job at that time?  
11 MR. GREY: Object to the question as vague  
12 and ambiguous.  
13 THE WITNESS: No, I did not.  
14 BY MR. BATTENFELD:  
15 Q Had you had any sort of employment in the  
16 United States before you were hired by U. Lim?  
17 A Yes, I have.  
18 Q What job or jobs had you had in the United  
19 States before you were hired by U. Lim?  
20 A Should I disclose that too?  
21 MR. GREY: I can't advise you to give your  
22 testimony or not give your testimony. He's entitled  
23 to reasonably investigate basic background information  
24 as a general rule.  
25 THE WITNESS: U-N-I Hosiery.



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<p>1 H-o-s-i-e-r-y. I worked there two years.</p> <p>2 MR. GREY: Let me interject here. Do you</p> <p>3 have any concerns about this information that you're</p> <p>4 giving being used in some inappropriate fashion not</p> <p>5 connected with this litigation?</p> <p>6 THE WITNESS: I feel that I have certain</p> <p>7 rights of my privacy, and I feel that I am here as</p> <p>8 witness for U. Lim case. Therefore, I like to have</p> <p>9 some respect for my privacy. That's all.</p> <p>10 MR. GREY: I would just inform you that as</p> <p>11 a general matter then he's entitled to some basic</p> <p>12 background information.</p> <p>13 BY MR. BATTENFELD:</p> <p>14 Q So you worked for Uni Hosiery for</p> <p>15 approximately two years before you were hired by</p> <p>16 U. Lim; is that correct?</p> <p>17 A Yes.</p> <p>18 Q And what position or positions did you hold</p> <p>19 with Uni Hosiery?</p> <p>20 A Sales.</p> <p>21 Q Did you have any other jobs in the United</p> <p>22 States before you started working for U. Lim?</p> <p>23 A Let me think about it. No, I don't think</p> <p>24 so.</p> <p>25 Q Did you have any formal education in the</p>	<p>1 United States or was all of your education in Korea?</p> <p>2 A Yes. I went to -- mostly my education in</p> <p>3 Korea, but, however, in this country I went to</p> <p>4 language school.</p> <p>5 Q And where did you go to language school?</p> <p>6 A I do not recall the exact name of the</p> <p>7 school. However, it used to be located in Orange</p> <p>8 County. I believe that it's not there any longer.</p> <p>9 Q Was this a college of some sort --</p> <p>10 A It's correct.</p> <p>11 Q And what course work did you take at this</p> <p>12 language school?</p> <p>13 A I didn't think that I was studying really.</p> <p>14 I just went to school.</p> <p>15 Q Did you take courses at this school?</p> <p>16 A It was not a semester so much as quarter</p> <p>17 system, such as three months at a time, so and so. It</p> <p>18 was not that even though if you finish the courses,</p> <p>19 you don't get any degree or credit.</p> <p>20 Q But the question I'm asking is what courses</p> <p>21 did you take at this school.</p> <p>22 A Conversation.</p> <p>23 Q In English?</p> <p>24 A Yes.</p> <p>25 Q Did you graduate from the equivalent of</p>

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<p>1 high school in Korea?</p> <p>2 A Yes.</p> <p>3 Q And do you remember what year that was?</p> <p>4 A '85.</p> <p>5 Q What is your date of birth?</p> <p>6 A May 12, 1967.</p> <p>7 Q Did you attend any college in Korea?</p> <p>8 A Yes.</p> <p>9 Q What college or colleges?</p> <p>10 THE INTERPRETER: I have to ask a name.</p> <p>11 There is one word that it's named and also what sort</p> <p>12 of college, which I am verifying with him. What do</p> <p>13 they use in English which -- I don't want to</p> <p>14 mistranslate the word.</p> <p>15 An Yang, A-n, one space -- no. A-n, one</p> <p>16 space, Y-a-n-g, Mechanical University.</p> <p>17 BY MR. BATTENFELD:</p> <p>18 Q And where is that located?</p> <p>19 A City of An Yang, A-n, one space, Y-a-n-g.</p> <p>20 Q And how many years did you attend that</p> <p>21 school?</p> <p>22 A Two years. Yes.</p> <p>23 Q Did you have any -- get any sort of degree</p> <p>24 from that school?</p> <p>25 A Yes. You could say when you complete two</p>	<p>1 years, you get a degree. That is my degree.</p> <p>2 Q And what did you get a degree in? Any</p> <p>3 particular area?</p> <p>4 A Electronic telecommunication degree.</p> <p>5 Q Now, you say you were married in 1993; is</p> <p>6 that correct?</p> <p>7 A Yes. '93.</p> <p>8 Q And is the woman you married in 1993 -- is</p> <p>9 she still your wife?</p> <p>10 A Yes.</p> <p>11 Q And what is her name?</p> <p>12 A I do not wish to involve my wife here.</p> <p>13 MR. GREY: I'll just object to not</p> <p>14 reasonably calculated to lead to the discovery of</p> <p>15 admissible evidence.</p> <p>16 BY MR. BATTENFELD:</p> <p>17 Q Let me ask you this question. Were you</p> <p>18 living with your wife during the period of time that</p> <p>19 you worked for U. Lim?</p> <p>20 A Yes.</p> <p>21 Q Okay. That makes it relevant. So what is</p> <p>22 your wife's name?</p> <p>23 A Gloria Baek, last name.</p> <p>24 Q Same as your name? Same as your last name?</p> <p>25 A Yes.</p>

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1 Q And she lives at the same home address that  
2 you live at?  
3 A Yes.  
4 Q And does she work?  
5 A Yes.  
6 Q Where does she work?  
7 A Intek Technology, I-n-t-e-k Technology.  
8 MR. GREY: I'm going to object to not  
9 reasonably calculated to lead to the discovery of  
10 admissible evidence.  
11 BY MR. BATTENFELD:  
12 Q Intek Technology?  
13 A Yes.  
14 Q And where is that located?  
15 A Fashion Valley. I don't know official  
16 address of the place.  
17 Q During the period that you worked for  
18 U. Lim, was anyone else living with you besides your  
19 wife?  
20 A No.  
21 Q Mr. Baek, have you ever been convicted of a  
22 crime?  
23 MR. GREY: I'm going to object to not  
24 reasonably calculated to lead to the discovery of  
25 admissible evidence. Crime's overbroad.

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1 THE WITNESS: Yes, I have.  
2 BY MR. BATTENFELD:  
3 Q What crime or crimes have you been  
4 convicted of?  
5 A Traffic school.  
6 Q Some sort of traffic offense?  
7 A Yes.  
8 Q Anything else?  
9 A No.  
10 Q Was the traffic offense a felony, if you  
11 know?  
12 MR. GREY: Same objection.  
13 THE WITNESS: Just a regular ticket.  
14 BY MR. BATTENFELD:  
15 Q Okay. So it wasn't driving under the  
16 influence or anything like that?  
17 A No.  
18 Q Now, before your deposition today -- and  
19 I'm asking you specifically about today -- did you  
20 meet or talk with Mr. Kang?  
21 A Yes.  
22 Q And where did that meeting take place?  
23 A Gary office.  
24 MR. GREY: Grey.  
25 THE WITNESS: Grey. I'm sorry.

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1 BY MR. BATTENFELD:  
2 Q And was that this morning?  
3 A When I went to there that was a new office  
4 that he was. The office I think was -- used to be  
5 UTC. That is the office I saw him.  
6 Q So you met at Mr. Grey's office?  
7 A Yes.  
8 Q And how long did you meet this morning at  
9 Mr. Grey's office?  
10 A I was there from 8:30 to 9:30.  
11 Q And who did you meet with?  
12 A Mr. Kang and the attorney.  
13 Q And before yesterday when was the last time  
14 you had spoken to either Mr. Kang or Mr. Grey?  
15 Before -- I'm sorry. Before this morning.  
16 MR. GREY: I'm going to just object to the  
17 question as vague and ambiguous as to Mr. Grey because  
18 he may be confused about speaking to me personally or  
19 speaking to my office, like such as my secretary.  
20 BY MR. BATTENFELD:  
21 Q My question is specifically referring to  
22 Mr. Grey or Mr. Kang.  
23 A The time when I had this information, that  
24 is the day, first day, I saw him, and that was the  
25 last time I saw him until this morning.

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1 Mr. Kang -- I saw him in a Chinese  
2 restaurant once. It was a coincidence bumping into  
3 him. We did not talk anything about this. I was  
4 leaving the restaurant. He was coming into the  
5 restaurant. He called me yesterday, and he asked me  
6 about today's -- like I supposed to come.  
7 Q So you had a meeting in connection with  
8 your statement before; is that correct?  
9 A I was informed about -- it's not like  
10 specific information, just general I would be asked  
11 about this sort of questions and also was asked that  
12 this is your signature, therefore, would you review  
13 this document to find out whether the information here  
14 is correct or not.  
15 Q Between the meeting that you had to look at  
16 and/or sign your statement and the meeting you had  
17 this morning, had you had any phone conversations  
18 specifically with Mr. Grey?  
19 A I have not spoken with Mr. Grey, but,  
20 however -- I don't know how many times, but I spoke a  
21 couple times with Mr. Grey's secretary.  
22 Q I was asking specifically about Mr. Grey.  
23 So if I understand correctly, you had no conversations  
24 with Mr. Grey between the time that you signed the  
25 statement and this morning; is that correct?

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<p>1 A It's correct.</p> <p>2 THE INTERPRETER: Would you just --</p> <p>3 (Interruption)</p> <p>4 (Exhibit No. 1 marked)</p> <p>5 BY MR. BATTENFELD:</p> <p>6 Q Mr. Baek, I've marked as Exhibit 1 to your</p> <p>7 deposition a document entitled Declaration of</p> <p>8 Teddy Baek, four-page document dated 7/20/98. I just</p> <p>9 want to confirm that when you were answering questions</p> <p>10 this morning and to the extent we've talked about that</p> <p>11 document today, that that's the document that you've</p> <p>12 been referring to; is that correct?</p> <p>13 A It's correct.</p> <p>14 Q Now, between the time that you signed the</p> <p>15 declaration that's been marked as Exhibit 1 and the</p> <p>16 meeting you had this morning, did you have any</p> <p>17 telephone conversations or written communications with</p> <p>18 Mr. Kang? Or I guess I need to include E mail</p> <p>19 communications.</p> <p>20 A Yes.</p> <p>21 Q And what has been the nature of the</p> <p>22 communications that you've had? Have they all been by</p> <p>23 telephone? Have some of them been face to face, some</p> <p>24 by E mail, by letter?</p> <p>25 A There was no occasion that I did E mail.</p>	<p>1 It was a telephonic conversation. Because of my</p> <p>2 business, I don't have much time. Very hard for me to</p> <p>3 get away from my business. Therefore, he expressed</p> <p>4 that I have to be here as witness. So more like</p> <p>5 talking back and forth about my schedule.</p> <p>6 Q How many telephone conversations have you</p> <p>7 had with Mr. Kang between the time you signed your</p> <p>8 statement and the meeting you had this morning?</p> <p>9 A I think about three telephone calls with</p> <p>10 Mr. Grey secretary regarding scheduling, which it</p> <p>11 didn't work out because there was too much conflict of</p> <p>12 scheduling.</p> <p>13 Q Okay. I'm going to -- let me interrupt you</p> <p>14 because I think the answer is not responsive. I was</p> <p>15 asking about how many communications with Mr. Baek</p> <p>16 had -- telephone conversations Mr. Baek had with</p> <p>17 Mr. Kang between the time he signed his declaration</p> <p>18 and --</p> <p>19 THE INTERPRETER: He responded already,</p> <p>20 which you didn't give me enough chance to translate</p> <p>21 that. I didn't finish my translation what he said.</p> <p>22 So should I finish?</p> <p>23 MR. GREY: Why don't you finish the</p> <p>24 translation.</p> <p>25 THE INTERPRETER: Let me finish.</p>

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<p>1 Then so it didn't work out. So Mr. Kang</p> <p>2 called me about three times and then to somehow try to</p> <p>3 work out the schedule. So we talked about that. And</p> <p>4 then this morning he called me. He said -- or I</p> <p>5 called him being late, little late. That's all.</p> <p>6 BY MR. BATTENFELD:</p> <p>7 Q During any of the conversations you had</p> <p>8 with Mr. Kang prior to this morning and after the time</p> <p>9 that you signed your declaration, did you talk about</p> <p>10 either your experiences at U. Lim or Mr. Kang's</p> <p>11 experiences at U. Lim?</p> <p>12 A No.</p> <p>13 Q During any of those conversations did</p> <p>14 Mr. Kang talk to you about his lawsuit against U. Lim</p> <p>15 and Mr. Yoon?</p> <p>16 MR. GREY: I'm going to object to --</p> <p>17 THE WITNESS: I stated to you that I didn't</p> <p>18 talk about anything else.</p> <p>19 MR. GREY: I'm just going to object to the</p> <p>20 question as vague and ambiguous to the extent he's</p> <p>21 referring to litigation. It could be interpreted to</p> <p>22 referring to scheduling, which he's already testified</p> <p>23 to.</p> <p>24 BY MR. BATTENFELD:</p> <p>25 Q Do you understand that Mr. Kang has a</p>	<p>1 lawsuit that he has filed against U. Lim and Mr. Yoon?</p> <p>2 A Before I met Mr. Grey in his office, I had</p> <p>3 telephone call from Mr. Kang, and he stated that he</p> <p>4 was going to file a lawsuit against U. Lim. And also</p> <p>5 he state that, "I like to meet you," which I didn't</p> <p>6 have time so we were not able to meet. However, he</p> <p>7 only stated to me that he still wanted to have the</p> <p>8 information about my experience at U. Lim.</p> <p>9 Q Do you have any understanding as to the</p> <p>10 type of claim or claims that Mr. Kang is bringing</p> <p>11 against U. Lim and Mr. Yoon?</p> <p>12 MR. GREY: I'm going to just object to the</p> <p>13 use of the term claim as vague and ambiguous and</p> <p>14 requires legal expertise.</p> <p>15 THE WITNESS: Even -- no. Even at this</p> <p>16 moment I do not know.</p> <p>17 BY MR. BATTENFELD:</p> <p>18 Q Has anyone ever told you that Mr. Kang is</p> <p>19 claiming that he was discriminated against when he</p> <p>20 worked for U. Lim?</p> <p>21 A Are you saying after he filed lawsuit or</p> <p>22 what are you saying, that is the content of the</p> <p>23 lawsuit?</p> <p>24 Q I'm asking you if you've ever been informed</p> <p>25 by anyone that that's at least one of the claims that</p>

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<p>1 Mr. Kang is bringing against U. Lim.</p> <p>2 MR. GREY: Same objection.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MR. BATTENFELD:</p> <p>5 Q When Mr. Kang worked for U. Lim, did he</p> <p>6 ever say to you or say in your presence that he</p> <p>7 believed he was being discriminated against by U. Lim</p> <p>8 or Mr. Yoon?</p> <p>9 A There was no time that I have a</p> <p>10 communication with anybody to do with U. Lim or there</p> <p>11 was no time that I conversed about U. Lim.</p> <p>12 When I was leaving U. Lim, actually I was</p> <p>13 very disappointed about the people in U. Lim,</p> <p>14 including Mr. Kang. Mr. Kang was my boss, but I felt</p> <p>15 with that kind of circumstance with the situation, he</p> <p>16 even did not or was not able to protect me, somebody</p> <p>17 who works for the company under him.</p> <p>18 MR. BATTENFELD: Let me ask my question</p> <p>19 again, and if we need to have the court reporter read</p> <p>20 it back and have it retranslated -- I'd like to ask my</p> <p>21 question again and get an answer to my question.</p> <p>22 So could you read my question back. It's a</p> <p>23 yes or no question.</p> <p>24 (Question read)</p> <p>25 THE WITNESS: No.</p>	<p>1 BY MR. BATTENFELD:</p> <p>2 Q Now, the meeting you had this morning, what</p> <p>3 did you talk about?</p> <p>4 A That is also yes and no?</p> <p>5 Q No. This is what did you talk about.</p> <p>6 A As I stated earlier, that at the meeting I</p> <p>7 was asked, "Is that your signature?" And then also</p> <p>8 the content of the information would you review and</p> <p>9 then also just to make for sure that is true and then</p> <p>10 also correct information. That's all.</p> <p>11 Q Did Mr. Grey ask you any other questions at</p> <p>12 the meeting this morning?</p> <p>13 A No. There was no other conversation except</p> <p>14 I asked him questions such as where we will have, how</p> <p>15 long it will take because of my tight schedule.</p> <p>16 Q Did Mr. Kang ask you any questions at the</p> <p>17 meeting this morning?</p> <p>18 A Yes. Let me think about it. I don't think</p> <p>19 so. I don't think there was any except I think -- I</p> <p>20 think I was told that it would take quite time.</p> <p>21 THE REPORTER: Quite time?</p> <p>22 THE INTERPRETER: Like long time or quite.</p> <p>23 BY MR. BATTENFELD:</p> <p>24 Q Did either Mr. Kang or Mr. Grey tell you</p> <p>25 anything during your meeting this morning?</p>

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<p>1 A No.</p> <p>2 Q Now, you say you met for about an hour; is</p> <p>3 that correct?</p> <p>4 A Yes, it's correct.</p> <p>5 Q What else did you talk about during this</p> <p>6 hour after you had gone over your statement?</p> <p>7 MR. GREY: Objection. Lacks foundation and</p> <p>8 misstates the witness' testimony in that there was</p> <p>9 anything else that they talked about.</p> <p>10 THE WITNESS: I went there, I spend my time</p> <p>11 going to bathroom and drinking coffee and I reviewed</p> <p>12 this document. That's all.</p> <p>13 BY MR. BATTENFELD:</p> <p>14 Q Other than the declaration in front of you,</p> <p>15 have you reviewed any other documents in preparation</p> <p>16 for your deposition today?</p> <p>17 A No.</p> <p>18 Q Have you ever seen any complaint or written</p> <p>19 complaint or claim made by Mr. Kang?</p> <p>20 MR. GREY: I'm just going to object to the</p> <p>21 use of the term complaint insofar as it's a very</p> <p>22 specific document submitted to the court, and he may</p> <p>23 or may not know what that is.</p> <p>24 THE WITNESS: As I stated earlier that</p> <p>25 except this document, I have not seen any other</p>	<p>1 documents. I have not met these people.</p> <p>2 BY MR. BATTENFELD:</p> <p>3 Q So you haven't seen any other documents</p> <p>4 either prepared by Mr. Kang or prepared by Mr. Grey?</p> <p>5 A Yes, I am certain about it.</p> <p>6 MR. GREY: I assume, Counsel, that's not</p> <p>7 referring to the deposition subpoena.</p> <p>8 MR. BATTENFELD: No. I'm not referring to</p> <p>9 that.</p> <p>10 BY MR. BATTENFELD:</p> <p>11 Q By yes, you mean no, you have not?</p> <p>12 A It's correct.</p> <p>13 Q Now, you said the first interview you had</p> <p>14 relating your being hired by U. Lim was with Mr. Kang.</p> <p>15 How did that meeting come about?</p> <p>16 A That was a very short time. It was in a</p> <p>17 conference room. Then just about went over about my</p> <p>18 experience there. That's all. It was a very short</p> <p>19 time.</p> <p>20 Q I guess I didn't ask the question clearly</p> <p>21 enough.</p> <p>22 How did you come to have the meeting with</p> <p>23 Mr. Kang? How did you hear about working or become</p> <p>24 aware of him?</p> <p>25 THE INTERPRETER: There are two questions?</p>



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<p>1 Would you repeat it? I have a little hard time to                  2 translate.                  3 MR. BATTENFELD: Yeah.                  4 BY MR. BATTENFELD:                  5 Q The question is how did you come to learn                  6 about possibility of working for U. Lim?                  7 A U. Lim advertised in Korean newspaper by                  8 saying that they want to hire staff and then also in                  9 that advertising contact Mr. Soo Cheol Kang. So I                  10 contacted Mr. Soo Cheol Kang. And also in that                  11 advertising it said send resume, which I contacted                  12 him. So I was met by him.                  13 Q So there was an ad in the Korean newspaper?                  14 A Yes.                  15 Q And where were you living at that time?                  16 A Nobel Court at UTC area.                  17 Q And at that time did you have some sort of                  18 a visa that allowed you to be living in the United                  19 States?                  20 A Yes. I had a green card. Otherwise, I                  21 wouldn't be able to apply for the job since the                  22 location was in Tijuana, which requires visa to go in                  23 there.                  24 Q And do you know -- do you recall what kind                  25 of visa you had?</p>	<p>1 A No, it was not visa. I had a green card.                  2 Q Has Mr. Kang ever spoken to you about where                  3 he has worked since his employment with U. Lim ended?                  4 THE INTERPRETER: Since his employment with                  5 U. Lim?                  6 MR. BATTENFELD: Since his employment with                  7 U. Lim ended.                  8 THE WITNESS: I think earlier that I bumped                  9 into him in a Chinese restaurant. At the time I was                  10 holding a baby. Therefore, we actually didn't have                  11 time at all. I was asking just, "Hi. What are you                  12 doing?"                  13 Then he said -- I think he was with his                  14 brother, something like this. So just we just passed                  15 by each other at the time. That's all we had.                  16 BY MR. BATTENFELD:                  17 Q Did Mr. Kang tell you that he was working                  18 either with or for his brother?                  19 A Yes.                  20 Q Did he tell you what type of work he was                  21 doing?                  22 A No. We didn't have chance to do that.                  23 Q Have you ever learned from any source of                  24 what the nature of the work is that Mr. Kang is doing                  25 either with or for his brother?</p>

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<p>1 THE INTERPRETER: Last word I didn't hear.                  2 MR. BATTENFELD: Either with or for his                  3 brother.                  4 THE WITNESS: I was not interested in Kang.                  5 I didn't have anything to do with him so I didn't know                  6 anything about him.                  7 BY MR. BATTENFELD:                  8 Q Have you ever heard from anyone that                  9 Mr. Kang worked for a company called Vision Printing                  10 or Vision Imaging?                  11 A I think since you mentioned Vision                  12 Printing, which I totally forgot about it -- I think I                  13 met -- bumped into his cousin in the Korean grocery                  14 market. When I bump into, I was asking what Mr. Kang                  15 does. Then I think he may said that he's working for                  16 Vision Printing.                  17 Q You remember the name of this cousin who                  18 you bumped into?                  19 A I do not know name. I know the face.                  20 Q Did you ever hear from anyone why Mr. Kang                  21 stopped working for Vision Printing?                  22 A No.                  23 Q Now, during the period of time that you                  24 worked for U. Lim, if you could identify for me by                  25 name all of the non-Mexican workers that you ever</p>	<p>1 worked with or for while you worked for U. Lim.                  2 MR. GREY: I'm going to object to the                  3 question as overbroad.                  4 THE WITNESS: Are you talking about the                  5 Korean?                  6 BY MR. BATTENFELD:                  7 Q I'm asking about anybody who worked at the                  8 facility in Tijuana who was not Mexican.                  9 MR. GREY: Same objection.                  10 THE WITNESS: I remember all Koreans.                  11 BY MR. BATTENFELD:                  12 Q I'm asking you the names.                  13 A Sales manager Hae Ho, J-a-e, H-o. Last                  14 name is C-h-o. He was sales manager. The next one is                  15 Suk Ho Ko, S-u-k, H-o. Last name is K-o. He was the                  16 production manager. Mr. Park, which -- who was                  17 quality control department. Tae Jin Yoon. That's                  18 all.                  19 Q And during the period of time that you                  20 worked for U. Lim, was Mr. Cho ever, to your                  21 knowledge, away from the United States for any reason?                  22 Strike that.                  23 Let me ask you was he in Korea -- did he go                  24 to Korea for any period of time that you worked for                  25 U. Lim?</p>

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**Multi-Page™**

<p style="text-align: right;">Page 98</p> <p>1 A Once, yes.</p> <p>2 Q And how long was Mr. Cho away from work</p> <p>3 when he was in Korea?</p> <p>4 A I'm not certain. I think it was about</p> <p>5 fourteen days.</p> <p>6 Q And how about Mr. Ko? Was he ever -- did</p> <p>7 he ever go to Korea or was he ever in Korea?</p> <p>8 A I think at time they were together.</p> <p>9 Q Mr. Ko and Mr. Cho?</p> <p>10 A Yes, it's correct.</p> <p>11 Q So Mr. Ko was also away for approximately</p> <p>12 two weeks?</p> <p>13 A Yes, it's correct.</p> <p>14 Q How about Mr. Park? Was he ever in Korea?</p> <p>15 A Yes. Mr. Kang, Mr. Park and Tae Jin Yoon</p> <p>16 all -- they went together. I think when I was there</p> <p>17 they went to only one trip together.</p> <p>18 Q And how long was Mr. Park away from the</p> <p>19 Tijuana facility?</p> <p>20 A Mr. Park was there to get married. His</p> <p>21 wedding ceremony. That's why they went there.</p> <p>22 Q And how long was Mr. Park gone from the</p> <p>23 Tijuana facility?</p> <p>24 A Same time. Almost same time. And it's</p> <p>25 very hard for me to remember all those.</p>	<p style="text-align: right;">Page 99</p> <p>1 Q Are you able to estimate how long Mr. Park</p> <p>2 was away?</p> <p>3 A Yes. At the same time, on the same time</p> <p>4 they went together. Mr. Park -- because it was his</p> <p>5 wedding. He came a little later, but I think they</p> <p>6 gone almost the same time.</p> <p>7 Q Again can you estimate for me how long</p> <p>8 Mr. Park was away when he left to go to Korea?</p> <p>9 MR. GREY: I'm going to object to the</p> <p>10 question as nonsensical. I think you misstated. How</p> <p>11 far he was away?</p> <p>12 MR. BATTENFELD: How long.</p> <p>13 MR. GREY: Same objection.</p> <p>14 THE WITNESS: I only remember that, even</p> <p>15 though I forgot about it until you mention all this.</p> <p>16 I lucky that I remember that he went there to get</p> <p>17 married. Besides that, if you tell me to estimate, I</p> <p>18 could say that they went there during the same time,</p> <p>19 came back same time. Maybe about fourteen days.</p> <p>20 That's all I can say.</p> <p>21 BY MR. BATTENFELD:</p> <p>22 Q Do you recall that they all left at the</p> <p>23 same time, Mr. Cho -- Mr. Cho, Mr. Ko, Mr. Park,</p> <p>24 Mr. Kang and Mr. Yoon?</p> <p>25 A I don't know whether when they left they</p>
<p style="text-align: right;">Page 100</p> <p>1 told me that they were leaving.</p> <p>2 Q So you don't recall whether they all left</p> <p>3 at the same time?</p> <p>4 A I wouldn't know. I knew they had a show</p> <p>5 there so they went there. Maybe when they went there</p> <p>6 they met there. I am not the one who give them ride</p> <p>7 to airport. I didn't make reservation for their</p> <p>8 ticket. So when they came back, they said they were</p> <p>9 there. So I assumed that they were there during same</p> <p>10 time.</p> <p>11 Q And how long do you estimate that Mr. Kang</p> <p>12 was away on this trip to Korea?</p> <p>13 A I think they went there about same time.</p> <p>14 Q How long would you say that Mr. Kang was</p> <p>15 away when he went on this trip, away from work in</p> <p>16 Tijuana?</p> <p>17 A I don't know. In Tijuana during Christmas,</p> <p>18 about 18th or 20th, the factory shuts down because</p> <p>19 Christmas season. So I assume that they left during</p> <p>20 that time. And then when we opened up on January 5th</p> <p>21 or 6th, they all showed up. Except me, not being in</p> <p>22 Korea, I felt that I was only one who didn't go to</p> <p>23 Korea. So I assumed that they went there about same</p> <p>24 time, they came back about same time. I didn't give</p> <p>25 them ride. I don't know exactly. That is all I can</p>	<p style="text-align: right;">Page 101</p> <p>1 say.</p> <p>2 Q Is it your recollection that this trip to</p> <p>3 Korea coincided with the shutdown of the factory</p> <p>4 between approximately December 20 and January 5?</p> <p>5 A Plus that reason Mr. Park went there</p> <p>6 because of his wedding, and our reason was U. Lim's</p> <p>7 headquarter office in Korea in In Chun. So during</p> <p>8 that time I think they had a workshop. And the</p> <p>9 workshop, I assume, that was there the plan for coming</p> <p>10 here since like that. So that's all I know.</p> <p>11 Q Again let me ask my question. Please</p> <p>12 listen to my question.</p> <p>13 My question was, is it your recollection</p> <p>14 that this trip to Korea happened during the period of</p> <p>15 time that the Tijuana factory was shut down during the</p> <p>16 Christmas season?</p> <p>17 A And that plus Mr. Parker wedding plan. So</p> <p>18 he went there, and then also workshop was there. So,</p> <p>19 therefore, they preplanned to go there. That's why</p> <p>20 they went there during that time, I think.</p> <p>21 Q So it was during that time?</p> <p>22 A Yes.</p> <p>23 Q Did you work at the facility during this</p> <p>24 period when the factory was shut down from</p> <p>25 approximately December 20 to January 5?</p>

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1 A No. I suppose not to work, but I worked  
 2 one day.  
 3 Q The ski trip that you mentioned, you  
 4 testified this morning, did that happen before or  
 5 after these other individuals went to Korea?  
 6 A After.  
 7 Q The ski trip was after?  
 8 A It's correct.  
 9 Q And how many days was the ski trip?  
 10 MR. GREY: Objection. Asked and answered.  
 11 THE WITNESS: One night, two days.  
 12 BY MR. BATTENFELD:  
 13 Q And what days of the week was it?  
 14 A I don't remember.  
 15 Q Was it during the week?  
 16 A I do not remember.  
 17 Q So it could have been Monday, could have  
 18 been Tuesday, could have been Wednesday?  
 19 A I do not remember.  
 20 THE WITNESS (without interpreter): Can I  
 21 take break?  
 22 MR. GREY: Sure. Anytime you need a break,  
 23 say so.  
 24 (Recess)  
 25 ///

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1 BY MR. BATTENFELD:  
 2 Q Mr. Baek, during the period of time that  
 3 you worked for U. Lim, did you ever car pool with  
 4 anyone either to work or from work?  
 5 A No.  
 6 Q Now, other than the trip you referred to  
 7 that Mr. Cho, Mr. Ko, Mr. Park, Mr. Kang and Mr. Yoon  
 8 went on where they all were in Korea, do you recall  
 9 whether any of those gentlemen took any other trips to  
 10 Korea while you worked for U. Lim?  
 11 A No, I do not remember.  
 12 Q Was there an area in the factory where you  
 13 typically worked when you worked for U. Lim?  
 14 A I didn't know where I was. I don't know  
 15 where I was.  
 16 Q Well, did you have a work station where you  
 17 typically were seated during the day?  
 18 A Yes. My desk.  
 19 Q And where was your desk located?  
 20 A We all were in one office. If you --  
 21 precisely I can tell you that my desk was placed in  
 22 front of Mr. Kang.  
 23 Q When you say we all worked in one office,  
 24 you mean there was one office area where people  
 25 worked?

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1 A Yes. We all were in office, but at the  
 2 same time Mr. Yoon had his own separate office, and  
 3 then also outside in front of Mr. Yoon's there was a  
 4 production quality control area. So Mr. Park was  
 5 placed right in front of there. I cannot say he had  
 6 his own office, but in that area.  
 7 Q So Mr. Park was in the same area where  
 8 Mr. Yoon's office was?  
 9 A Not that same area but from opposite from  
 10 Mr. Yoon's.  
 11 Q Was Mr. Yoon's office located on another  
 12 floor?  
 13 A No. Same floor.  
 14 Q So all the offices were on the same floor?  
 15 A Yes.  
 16 Q And Mr. Kang worked closest to you in terms  
 17 of where his work location was?  
 18 A Yes. As I stated earlier, that I was just  
 19 in front of him.  
 20 Q Who else worked in that general vicinity of  
 21 where you worked?  
 22 A Mr. Jae Ho Cho and Suk Ko, Mr. Kang.  
 23 Q Now, you testified that you started to work  
 24 for U. Lim on approximately October 20; is that  
 25 correct?

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1 A Yes.  
 2 Q And you continued to work until  
 3 approximately middle of January?  
 4 A Yes.  
 5 Q How long was it between the time of the ski  
 6 trip and the time that you quit?  
 7 A Three months.  
 8 MR. GREY: Do you understand the question?  
 9 THE WITNESS: Yes.  
 10 MR. GREY: You only worked three months,  
 11 correct?  
 12 THE WITNESS: Yes.  
 13 BY MR. BATTENFELD:  
 14 Q So the ski trip was at the beginning of  
 15 your employment?  
 16 A What I stated was they went to Korea. As  
 17 soon as they came back, we had a ski trip, and after  
 18 we had a ski trip, the next day I quit the job.  
 19 Q What did you mean when you said it was  
 20 three months between the ski trip and the time you  
 21 quit?  
 22 A I thought you were asking how long you  
 23 worked, so I said three months, and then after -- then  
 24 when it was, which I understood that way. So,  
 25 therefore, I said after ski trip. I went to ski trip.



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1 I worked. That's why I said that.  
 2 Q So you quit the day after the ski trip?  
 3 A If we came back or went to ski trip on  
 4 Saturday, I know we didn't open on Sunday in our  
 5 office. So, therefore, if it was a Monday -- I don't  
 6 know exactly when I quit the job, which means when I  
 7 came back, the first day I went back to work I quit  
 8 the job.  
 9 Q The first day you went to work after the  
 10 ski trip?  
 11 A Yes. As I like to state that again. I  
 12 didn't know the day we came back was Saturday, Sunday.  
 13 I don't know.  
 14 Q Is it your recollection that you quit on a  
 15 Monday?  
 16 MR. GREY: I'm going to object. Misstates  
 17 his testimony. He indicated he doesn't know whether  
 18 or not -- what day the ski trip was so he doesn't know  
 19 which day he quit.  
 20 THE WITNESS: I don't remember. Maybe the  
 21 day when we went was a Sunday or the next day was  
 22 Sunday or holiday. I don't remember.  
 23 MR. GREY: Is it correct to say that the  
 24 first business day after the ski trip you quit?  
 25 THE WITNESS (without interpreter): Yes.

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1 BY MR. BATTENFELD:  
 2 Q Now, you testified that there were some  
 3 times during the week, that is, Monday through Friday,  
 4 that you left at about 5:15 or 5:30; is that correct?  
 5 A Yes.  
 6 Q Can you estimate how many times during your  
 7 employment with U. Lim on a Monday, Tuesday,  
 8 Wednesday, Thursday or Friday you left work at  
 9 approximately 5:15 or 5:30?  
 10 A I certainly remember that December, no. I  
 11 didn't even do that. I was not able to do that, not  
 12 one day. November, yes. Yes, I was able to do that.  
 13 I do not remember exactly how many times. If you tell  
 14 me I have to estimate, could be about ten times.  
 15 Q And how about during the period of time  
 16 from October 20 until November 1? During that period  
 17 how many times did you leave work around 5:15 or 5:30  
 18 during the week?  
 19 A I say during that time I think I left work  
 20 about 5:30. I didn't even plan to stay longer. I  
 21 thought I couldn't do that. When it's 5:30, I just  
 22 said I'm going home. I could have maybe said ten  
 23 times. That is included the period that I just told  
 24 you.  
 25 Q Just so your testimony is clear, during the

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1 period that you worked in October, which was  
 2 approximately October 20 until the end of October,  
 3 your testimony is that during that period you left at  
 4 5:30 every day more or less; is that correct?  
 5 A I think when I stated ten times, I think  
 6 that was the period total ten times that I was able to  
 7 leave work. I think October is included there.  
 8 Q Right now I'm asking you about October.  
 9 That's all I'm asking you about is October.  
 10 A I think I just went home 5:30, I think.  
 11 Q Okay. How about in November?  
 12 A As I stated earlier, the total about ten  
 13 times I was able to leave at the time. So in November  
 14 if you ask me, I do not know how many times. I may  
 15 have, but I think total about ten times I was able to  
 16 leave about 5:30.  
 17 Q You aren't able to estimate how many times  
 18 you left by approximately 5:30 in November?  
 19 A No, I can't.  
 20 Q And your recollection is that in December  
 21 you never left during the week as early as 5:30?  
 22 A Yes, I am certain about it.  
 23 Q Now, in November were you more often than  
 24 not during the month of November leaving U. Lim's  
 25 facility by 7:00 o'clock at night?

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1 MR. GREY: I'm going to object to that  
 2 question as asked and answered.  
 3 THE WITNESS: I cannot say how many times  
 4 because if I wasn't able to leave around 7:00 o'clock,  
 5 which means the factory was running as overtime.  
 6 Overtime ends at 8:00 o'clock.  
 7 So when you ask 7:00 o'clock, I don't think  
 8 it makes sense at all. I don't think I was able to do  
 9 that.  
 10 BY MR. BATTENFELD:  
 11 Q So factory overtime ended at 8:00?  
 12 A Yes.  
 13 Q And during the month of November is it  
 14 correct that the factory did not go until 8:00 o'clock  
 15 every workday in November?  
 16 MR. GREY: Object. Objection. Lacks  
 17 foundation.  
 18 THE WITNESS: As I stated earlier, that if  
 19 you ask me how many times I was able to go back home,  
 20 which I leave the company about 5:30, about  
 21 7:00 o'clock total period of my employment with the  
 22 company. I said could be between from October 20th,  
 23 November 30th about ten times. That's all I was able  
 24 to leave the company around 5:30.  
 25 ///

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1 BY MR. BATTENFELD:  
 2 Q And am I correct that all the times that  
 3 you left at 8:00 o'clock the factory was on overtime  
 4 running until 8:00 o'clock?  
 5 A When the factory runs, managers cannot go  
 6 home. You have to just wait until they close down.  
 7 So, therefore, if they close down at 8:00 o'clock, we  
 8 are not able to leave the place until about 8:15 or  
 9 8:30. So if you ask me correct answers, I do not  
 10 have.  
 11 Q So when the factory was running, the  
 12 managers had to be there as well; is that correct?  
 13 A Yes, it's correct.  
 14 Q And why was that?  
 15 A That is the way I understood as soon as I  
 16 entered the company, that nobody was leaving.  
 17 Q Nobody was what?  
 18 THE INTERPRETER: Leaving the place.  
 19 L-e-a-v-i-n-g.  
 20 THE WITNESS: I am end of the line. My  
 21 position was the bottom of the totem pole. So,  
 22 therefore, when there is overtime, nobody blames,  
 23 nobody complains. So when everybody else stays, I  
 24 didn't have any choice. I had to stay.  
 25 ///

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1 BY MR. BATTENFELD:  
 2 Q And were the Mexican workers also staying  
 3 working until 8:00 o'clock?  
 4 MR. GREY: Object to vague and ambiguous as  
 5 to Mexican workers and what position they held.  
 6 Go ahead and answer.  
 7 THE WITNESS: They send all Mexican  
 8 supervisors back home except only one supervisor.  
 9 Always they leave them -- leave one supervisor there.  
 10 BY MR. BATTENFELD:  
 11 Q One Mexican supervisor?  
 12 A (Witness nods)  
 13 Q Was that any particular person?  
 14 A Yes.  
 15 Q Who was that?  
 16 A Depend. There was a Mexican man which I  
 17 don't remember the name. They not leave him there  
 18 because then you will end up paying lots of money for  
 19 him. So mainly I think Sergio is the one who is left  
 20 there.  
 21 Q And who was Sergio? What was his position?  
 22 A Was a supervisor, production supervisor.  
 23 Q And did Sergio typically work the same  
 24 hours that you worked?  
 25 A When I stated Sergio, I didn't say Sergio

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1 was only person who was left there. It's very hard to  
 2 remember all those events what happened. You told me  
 3 that you expected me to have a very sincere answers  
 4 with the best knowledge, which I try my best to  
 5 respond. Therefore, I just remember Sergio name alone  
 6 at this moment. You keep asking same question. It's  
 7 really hard. It's getting -- I'm getting very tired.  
 8 Q Do you need to take a break?  
 9 A I like to finish it up as soon as possible.  
 10 Q Well, we're not finished, but the question  
 11 is are you feeling capable of continuing with the  
 12 deposition?  
 13 A Yes.  
 14 Q Okay. The question is are you able to  
 15 recall, either yes or no, as to whether Sergio  
 16 typically worked the same hours that you worked?  
 17 A There's many Mexican supervisors. Happen  
 18 to be I remember the name of Sergio. It's not that  
 19 Sergio was only there. I just remember his name  
 20 alone. Therefore, I said Sergio. It doesn't mean  
 21 that he was the only one who was there whenever I was  
 22 there.  
 23 Q Okay. Let me ask my question again because  
 24 I still haven't gotten an answer to my question.  
 25 The question is, yes or no, did Sergio

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1 typically work the same hours that you worked?  
 2 A It's not Sergio worked whenever I worked  
 3 there, and I know when I was there, there were times  
 4 that Sergio was there. It's not that all the time  
 5 that I was there Sergio was there, which I stated  
 6 earlier same thing.  
 7 Q Was Sergio usually there when you were  
 8 working?  
 9 A I never said usually Sergio was there. I  
 10 said there were times when he was there when I was  
 11 working.  
 12 Q When you worked until 8:00 o'clock  
 13 approximately, did the majority of the time that you  
 14 worked until 8:00 o'clock Sergio also worked until  
 15 8:00 o'clock?  
 16 A There were times that when I was there he  
 17 was there, I think. It's not that when I was there he  
 18 was always there. I never said usually he was there.  
 19 There were times that he was there.  
 20 Q Were there times when you left before  
 21 Sergio?  
 22 A No.  
 23 Q You're positive about that?  
 24 A 100 percent.  
 25 Q Did Raul Carillo work for U. Lim when you

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1 worked for U. Lim?  
2 A Yes.  
3 Q Did Raul Carillo ever work until  
4 8:00 o'clock at night on a work night?  
5 A Yes.  
6 Q And did he work more often until  
7 8:00 o'clock compared to Sergio or less often or was  
8 it about the same?  
9 A I cannot compare at this moment. There are  
10 times that Sergio was there. There were times that  
11 Raul was there. They took rotation. Therefore,  
12 whenever I was there, I cannot say who was there at  
13 the same time.  
14 Q And were there any times that you left work  
15 before Raul Carillo?  
16 A Yes. I do not know Raul's -- the last name  
17 Carillo or something. So, therefore, I will refer as  
18 Raul. That is the way we knew Raul. I never knew his  
19 last name.  
20 Q Okay. Could I have an answer then to my  
21 question with respect to Raul? The question is were  
22 there times that Raul -- that you left work before  
23 Raul?  
24 A No.  
25 Q Did you work in the same area as Raul?

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1 THE INTERPRETER: The last word?  
2 BY MR. BATTENFELD:  
3 Q Did you work in the same area of the  
4 factory that Raul worked in?  
5 A Different department.  
6 Q Were you always aware of where Raul was  
7 when you were working?  
8 A Yes.  
9 MR. GREY: Objection. Overbroad.  
10 BY MR. BATTENFELD:  
11 Q So no matter what you were doing, you  
12 always knew where Raul was?  
13 A Yes.  
14 Q And if you were working at your desk, how  
15 would you know where Raul was?  
16 A As a quality control supervisor, he was  
17 always in front of Mr. Park.  
18 Q Always?  
19 A Yes, always.  
20 Q He never moved from there?  
21 THE WITNESS (without interpreter): Always.  
22 BY MR. BATTENFELD:  
23 Q The entire day?  
24 MR. GREY: Do you understand the question?  
25 Take your time. Okay? I know it's been a long day.

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1 THE WITNESS: I have to go.  
2 MR. GREY: I know it's been a long day, but  
3 don't rush through. Okay? And listen to the question  
4 that's being asked. He's asking you if Raul was  
5 always right there in front of Mr. Park's desk at his  
6 desk, including going to the bathroom and everything  
7 else. He's asking you always.  
8 THE WITNESS: Well, the restroom was a  
9 different place. How can he sit there all day? And  
10 he went for lunch.  
11 BY MR. BATTENFELD:  
12 Q And didn't he sometimes go out on the  
13 factory floor to perform his job?  
14 A It's the same area. As I said earlier,  
15 production -- it's not a room. It's not separate.  
16 They're next to the production line. There is a  
17 quality control line. Control area.  
18 Q And there was also a warehouse; is that  
19 correct?  
20 A No. It's not same. Warehouse only had the  
21 materials.  
22 Q Did Mr. Carillo ever go to the warehouse to  
23 perform any of his duties?  
24 A I don't think he has things to do, but I  
25 don't know who is Mr. Carillo.

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1 Q Did Raul ever go to the warehouse, as far  
2 as you know?  
3 A I cannot say never, but his position didn't  
4 have anything to do with that area.  
5 Q Did your position ever require you to go to  
6 the warehouse?  
7 A Yes. That's my job to go there to do the  
8 inventory checkout.  
9 THE INTERPRETER: Can I have just a couple  
10 minutes?  
11 MR. GREY: Sure.  
12 (Recess)  
13 BY MR. BATTENFELD:  
14 Q Mr. Baek, you testified that there were  
15 some times that you and Mr. Kang left together at the  
16 end of a workday.  
17 Do you recall that testimony?  
18 A Yes.  
19 Q Can you estimate how many times Mr. Kang  
20 and you left at about the same time during the  
21 approximately three months that you worked for U. Lim?  
22 A As I stated earlier, that except about ten  
23 times, I left earlier. Besides those ten times, all  
24 other times I left at the same time as he left.  
25 Q Okay. And that was at approximately

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1 8:00 o'clock or 8:15?  
2 A I think usually the company closed about  
3 8:15, so the time we left the place should be out at  
4 8:30.  
5 Q Okay. So other than the times that you  
6 left early, you testified there were times you left  
7 approximately 5:30 -- other than that, you typically  
8 left at about 8:30 and Mr. Kang also typically left at  
9 8:30?  
10 A Yes.  
11 Q And were there times that you left -- this  
12 is on a Monday through Friday -- after 5:30 but before  
13 approximately 8:30?  
14 A No.  
15 Q Now, if you could look at your statement  
16 and look specifically at Page 2, Paragraph 9.  
17 Do you see that?  
18 A Yeah.  
19 Q The second sentence it says, "During the  
20 last year I was employed by U. Lim, my hours were  
21 normally from 6:45 until 8:00 p.m."  
22 Do you see that?  
23 A Yes.  
24 Q So is your statement accurate or inaccurate  
25 when it says that your normal hours were until

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1 8:00 p.m.  
2 A As I stated earlier, that even though  
3 U. Lim closed at 8:00 o'clock as stated here, the time  
4 actually physically leaving the place, company, is  
5 about as I stated earlier, about 8:30, because you  
6 have to check the doors whether they are locked or not  
7 and everything.  
8 Q So where your statement says, "My hours  
9 were normally from 6:45 a.m. to 8:00 p.m.," is that an  
10 accurate statement or is that not an accurate  
11 statement?  
12 MR. GREY: I'm going to object to the  
13 question as argumentative. The witness has explained  
14 the discrepancy.  
15 THE WITNESS: During this time when I was  
16 writing this information, yes, normally the company  
17 closed at 8:00, but physically the time that I leave  
18 the building after you check everything is about 8:15  
19 or 8:30. I am repeating same thing again.  
20 BY MR. BATTENFELD:  
21 Q And did you usually arrive at 6:45 or 7:00?  
22 A I stated here at about 6:45. I think I  
23 like to maybe say that around 7:00 o'clock.  
24 Q Now, you testified that there was some type  
25 of record that you would see that told you that

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1 Mr. Kang had been working during a time when you had  
2 not been working.  
3 Do you recall that testimony?  
4 A Yes.  
5 Q And what type of record were you referring  
6 to?  
7 A The purchasing department -- every morning  
8 we have meeting. Then at the meeting the purchasing  
9 department report documents to Mr. Yoon, and when I  
10 find out there are some items that which I was not  
11 involved with, that means I knew that Mr. Kang was  
12 working when I was not there.  
13 Q And what type of report was this again?  
14 A The report done by purchasing department.  
15 Daily report.  
16 Q And there were -- who typically recorded  
17 items on that report?  
18 A When I am there, I record. When I am not  
19 there, Mr. Kang records.  
20 Q And were there times that you were there  
21 and Mr. Kang was there and Mr. Kang recorded items on  
22 that report?  
23 A I record.  
24 Q So Mr. Kang never recorded anything on that  
25 report except when you were not there?

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1 MR. GREY: Do you understand the term  
2 never?  
3 THE WITNESS: I think when I do the daily  
4 total report, I can tell that he has done some. I  
5 think there are except few occasions when I was busy  
6 he recorded for me. Otherwise, I record.  
7 BY MR. BATTENFELD:  
8 Q And did the information that was recorded  
9 on this purchasing department daily report -- did it  
10 have any times listed on anything that was recorded?  
11 A Usually the next morning we get the order  
12 report. So the next morning when we gather all those  
13 things we do, including inventory, we try to balance  
14 those two different items.  
15 Q Please listen to my question and answer my  
16 question.  
17 My question was, the purchasing department  
18 daily report that you completed and that sometimes  
19 Mr. Kang completed -- did either what you put on the  
20 report or what Mr. Kang put on the report include any  
21 times? Times. 8:00 o'clock, 9:00 o'clock,  
22 12:00 o'clock.  
23 A As I stated earlier that -- I mean if I had  
24 time recorded, I would say yes, a time was recorded.  
25 But I didn't say that. I said date is recorded. And



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1 then also in the morning we do so. That is whenever  
2 when we see the date in the morning, it was recorded.  
3 Q Okay. The process will go a lot faster if  
4 you listen to my question and simply answer my  
5 question when it calls for a yes or no, yes or no.  
6 Am I correct that your answer to my  
7 question is no times, as in time of a day,  
8 8:00 o'clock, 9:00 o'clock, 7:52 -- that information  
9 was not recorded on the purchasing department daily  
10 report?  
11 A No time.  
12 Q Thank you. And if you saw any entries by  
13 Mr. Kang on the report, you wouldn't know when  
14 Mr. Kang had recorded those entries, would you?  
15 MR. GREY: I'm going to object to vague and  
16 ambiguous as to the use of the term "when."  
17 THE WITNESS: Didn't I say twice already  
18 the report we do indicates the date? So when you  
19 record, don't you think there is a date written there?  
20 BY MR. BATTENFELD:  
21 Q Was there a date written?  
22 A Yes.  
23 Q And where was the date written?  
24 A Yes. As I stated earlier, that the record  
25 has date. In the record there is how much production

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1 was made, which means material came out from the  
2 warehouse. So the amount of the material came out  
3 from warehouse plus and minus makes production. So if  
4 you don't have that daily balance -- if you don't have  
5 the date written on the daily balance, it just  
6 wouldn't make any sense.  
7 Q Again I asked a simple question, and I'd  
8 appreciate an answer.  
9 The question is where was the date recorded  
10 on the purchasing department daily report?  
11 MR. GREY: Objection. Vague and ambiguous.  
12 I mean is he asking for a specific column? Are you  
13 asking for a specific area of the report?  
14 THE WITNESS: The date is recorded in the  
15 daily report. I don't know whether left side, bottom  
16 right side or bottom. I'm not for sure.  
17 BY MR. BATTENFELD:  
18 Q So if you looked at a report and saw  
19 something that Mr. Kang had completed, that would tell  
20 you that he had completed some portion of the report.  
21 Would it tell you how long Mr. Kang had  
22 been working on a particular day?  
23 A No.  
24 Q And when you testified about looking at the  
25 report and by that report concluding that Mr. Kang had

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1 not been working, were you referring to weekend work  
2 or nighttime work, during the week or both?  
3 A As I stated earlier, that except times I  
4 left earlier, I stayed always with him at the same  
5 time. And I also stated to you that I worked about  
6 twice on Sundays. That means if he worked when I was  
7 not there, I think I assume that should be Sundays.  
8 Q Did you ever spend the night at the factory  
9 during your employment with U. Lim?  
10 A No.  
11 Q Did anyone ever tell you that they had  
12 spent the night at the factory while you worked for  
13 U. Lim?  
14 A Yes. I think I heard. But, however, I  
15 don't know exactly who told me or who stayed there. I  
16 do not remember.  
17 Q Do you remember Mr. Kang or anyone else  
18 ever telling you that Mr. Kang had stayed at the  
19 factory all night?  
20 A No.  
21 Q Now, you testified that there were social  
22 events that you attended with Mr. Yoon that occurred  
23 either at a regular bar or at what you called a strip  
24 bar; is that correct?  
25 A Yes.

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1 Q And where were these bars or strip bars  
2 located? Were they in Mexico or in the United States?  
3 A Sport Arena.  
4 Q In San Diego?  
5 A San Diego.  
6 Q And approximately how many times did you go  
7 to a bar or a strip bar with other U. Lim employees,  
8 including but not limited to Mr. Yoon, during the  
9 period of time that you worked for U. Lim?  
10 A I only went once. However, they went  
11 frequently. They told me frequently that they went  
12 there.  
13 Q So you went one time?  
14 A I went one time.  
15 Q And was that a bar or a strip bar?  
16 A Strip bar.  
17 Q And do you recall if this was on a work  
18 night?  
19 A Yes. Yes, after the work.  
20 Q Okay. And how many hours did you spend at  
21 the strip bar?  
22 A About two hours.  
23 Q And what time was it that you left?  
24 A 11:00.  
25 Q So you were there from approximately 9:00

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<p>1 to 11:00?</p> <p>2 A I think so.</p> <p>3 Q And how long did it take to go from the</p> <p>4 factory to this strip bar?</p> <p>5 A If you do straight, it will take about</p> <p>6 40 minutes.</p> <p>7 Q And as best as you can recall, did you go</p> <p>8 straight from work to the strip bar?</p> <p>9 A No.</p> <p>10 Q Did you go home first?</p> <p>11 A No. All together. I had dinner.</p> <p>12 Q So you went to dinner first?</p> <p>13 A Yes.</p> <p>14 Q Okay. And where did you go to dinner?</p> <p>15 A I do not remember.</p> <p>16 Q And how long were you at dinner before you</p> <p>17 went to the strip bar? So you went from work to</p> <p>18 dinner and then to the strip bar.</p> <p>19 A Yes.</p> <p>20 Q And who else went to dinner?</p> <p>21 A We all went together.</p> <p>22 Q By we all, who are you referring to?</p> <p>23 A Mr. Yoon, Mr. Cho, Mr. Ko, Mr. Park, Soo</p> <p>24 and me.</p> <p>25 Q By Soo, you mean Mr. Kang?</p>	<p>1 A Soo Kang.</p> <p>2 Q And the same individuals also went to the</p> <p>3 strip bar?</p> <p>4 A Yes.</p> <p>5 Q Okay. You say you only did that once, but</p> <p>6 you heard that other people went to bars or strip bars</p> <p>7 on other times that you didn't go?</p> <p>8 A How do you call room, salon?</p> <p>9 MR. GREY: Hotels?</p> <p>10 THE WITNESS: Just with a hostess in the</p> <p>11 room.</p> <p>12 MR. GREY: Brothel.</p> <p>13 THE WITNESS: When they had lunch together</p> <p>14 during lunchtime, they say they always went there,</p> <p>15 like Orange County someplace. There are -- in a room</p> <p>16 you stay with hostess.</p> <p>17 BY MR. BATTENFELD:</p> <p>18 Q And who told you about that?</p> <p>19 A Mr. Yoon -- whenever when the subject comes</p> <p>20 out, Mr. Yoon is the one who talks everything.</p> <p>21 Q Just asking about bars. Did you ever hear</p> <p>22 that any of the other managers in a group had gone to</p> <p>23 a bar together?</p> <p>24 A Not from the managers.</p> <p>25 Q Who did you hear it from?</p>

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<p>1 A Mr. Yoon.</p> <p>2 Q And did he tell you that a group of</p> <p>3 managers, including himself, had gone to a bar</p> <p>4 sometime?</p> <p>5 A Yes.</p> <p>6 Q And no one other than Mr. Yoon ever told</p> <p>7 you that?</p> <p>8 A No.</p> <p>9 Q Did anyone you work with ever complain</p> <p>10 about having to go to a bar?</p> <p>11 A No, I did not.</p> <p>12 Q Did anyone you worked with at U. Lim ever</p> <p>13 complain about going to a strip bar?</p> <p>14 A No.</p> <p>15 Q And did you ever hear anyone talk about</p> <p>16 going to a strip bar?</p> <p>17 A Yes.</p> <p>18 Q Who?</p> <p>19 A Mr. Yoon.</p> <p>20 Q Anyone else?</p> <p>21 A No. They don't talk about it.</p> <p>22 Q Were you ever invited to go to a bar or a</p> <p>23 strip bar other than the time you testified about</p> <p>24 going to the strip bar near the Sports Center --</p> <p>25 Sports Arena?</p>	<p>1 A No.</p> <p>2 Q Now, you testified that there were poker</p> <p>3 games that happened, you estimated, one to two times</p> <p>4 every two weeks.</p> <p>5 Do you recall that testimony?</p> <p>6 A Yes.</p> <p>7 Q Now, did those poker games always take</p> <p>8 place at Mr. Yoon's house or did they sometimes take</p> <p>9 place somewhere else?</p> <p>10 A Mr. Yoon's.</p> <p>11 Q And was that a house or an apartment?</p> <p>12 A A house.</p> <p>13 Q And when -- was there a typical starting</p> <p>14 time for the poker games at Mr. Yoon's house?</p> <p>15 A No. There is no particular time, but it is</p> <p>16 always after the work.</p> <p>17 Q Do you have an estimate as to the range of</p> <p>18 times that the poker games would begin?</p> <p>19 A Whenever when he is in the mood. Sometimes</p> <p>20 in the morning, "Oh, let's have poker game tonight."</p> <p>21 Or sometimes at the end of the work days he said, "Oh,</p> <p>22 we are going to have poker game. Come to my house."</p> <p>23 Q The question is can you give me an estimate</p> <p>24 as to the range of times, in other words, the earliest</p> <p>25 time that the poker game would begin or the latest</p>

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1 time that the poker game would begin?  
2 A I cannot recall exactly. Usually 9:00 or  
3 10:00.  
4 Q And would you typically drive straight from  
5 work to Mr. Yoon's house when you went to a poker  
6 game?  
7 A Yes.  
8 Q Did you sometimes stop at your home or your  
9 apartment before going to the poker game?  
10 A No.  
11 Q And how long did it take you to drive from  
12 work to Mr. Yoon's house or apartment?  
13 A About 25 minutes.  
14 Q So did he live closer to the factory than  
15 you did?  
16 A Yes.  
17 Q And how much closer was he to the factory  
18 than you?  
19 A About 20 minutes.  
20 Q So it usually took you about 45 minutes to  
21 get home from work?  
22 A Yes.  
23 Q And were there times that you were invited  
24 to play poker but you did not go play poker?  
25 A No.

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1 Q As far as you know, anytime there was a  
2 poker game at Mr. Yoon's house, you were there?  
3 A (Witness nods)  
4 Q And who else was always at the poker game  
5 at Mr. Yoon's house?  
6 A Mr. Yoon, Soo Kang, Mr. Ko, Mr. Park, me --  
7 and me.  
8 Q Was Mr. Cho sometimes there and sometimes  
9 not there?  
10 A Yes.  
11 Q And did Mr. Cho ever talk to you about the  
12 fact that he was not going to be at a poker game on a  
13 particular night?  
14 A Yes.  
15 Q And what do you recall him saying?  
16 THE INTERPRETER: I didn't hear.  
17 BY MR. BATTENFELD:  
18 Q What do you recall Mr. Cho saying?  
19 A Mr. Cho -- I felt that it was quite unusual  
20 because there were times -- Mr. Yoon always make  
21 sometimes excuse, like I have something to do at home.  
22 Then Mr. Yoon allowed him to do that.  
23 Q You mean Mr. Cho would have an excuse?  
24 A Yes.  
25 Q And Mr. Yoon would allow him to not attend?

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1 A Yes.  
2 Q Okay. And you said also there were times  
3 that Mr. Cho played poker but he left before others  
4 left; is that correct?  
5 A Yes.  
6 Q What was the earliest that you ever left a  
7 poker game at Mr. Yoon's house?  
8 A I think it was between about -- between  
9 2:00 and 3:00 in the morning, but I'm not certain  
10 exact amount, exact time.  
11 Q That was the earliest?  
12 A Yes.  
13 Q Were the poker games usually on a Friday  
14 night?  
15 A No. It was not. Depends on Mr. Yoon's  
16 mood.  
17 Q Was there any night that was a more likely  
18 night to be a poker night than any other night?  
19 A No. You cannot predict what would happen.  
20 Q So it could be a Sunday, a Monday, a  
21 Tuesday, Wednesday, Thursday, Friday, Saturday?  
22 (Interruption)  
23 BY MR. BATTENFELD:  
24 Q Did you ever observe Tae Jin Yoon drinking  
25 alcohol?

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1 A No, I did not.  
2 Q Did you ever go out drinking with Mr. Yoon?  
3 A No.  
4 Q Did you feel that Mr. Kang favored certain  
5 of the managers over other managers? Mr. Yoon. I may  
6 have misspoken.  
7 Did you feel Mr. Yoon favored certain  
8 managers over other managers?  
9 A Yes.  
10 Q And who did you feel that he favored?  
11 A Mr. Ko and Mr. Cho.  
12 Q And what caused you to form the belief that  
13 Mr. Yoon favored Mr. Cho and Mr. Ko?  
14 A As I stated earlier, that except about ten  
15 days I did overtime, Mr. -- we are not production  
16 managers. We are more like purchasing or sales  
17 manager. So as quality control manager or the other  
18 jobs we had -- whenever when we did overtime, almost  
19 no time that Mr. Ko or Mr. Cho did overtime. Whenever  
20 when Mr. Yoon left, most times that Mr. Ko and Mr. Cho  
21 left with him too.  
22 Q And when did Mr. Yoon usually leave?  
23 A At -- depends on what he wanted.  
24 Q But your testimony is Mr. Yoon did not  
25 always stay until 8:00 o'clock?



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<p>1 A Not even once he stayed until 8:00 o'clock.</p> <p>2 Q Okay. What was the latest that he stayed</p> <p>3 while you were working there?</p> <p>4 A 6:00 o'clock.</p> <p>5 Q And so during your employment he was always</p> <p>6 gone no later than 6:00?</p> <p>7 A No. He was not. Not even once.</p> <p>8 Q And your testimony is that Mr. Cho and</p> <p>9 Mr. Ko also often left by 6:00 o'clock?</p> <p>10 A Usually they leave about 3:00 or</p> <p>11 4:00 o'clock together.</p> <p>12 Q Mr. Yoon, Mr. Cho and Mr. Ko?</p> <p>13 A Mr. Cho was production manager -- Mr. Ko</p> <p>14 was. Sorry. Mr. Ko was production manager. He never</p> <p>15 stayed there until late hours. And don't you see</p> <p>16 that? He is the production manager. He never stayed</p> <p>17 there. So he chose that.</p> <p>18 Q So Mr. Ko would sometimes leave as early as</p> <p>19 3:00 or 4:00 on a workday?</p> <p>20 A Yes.</p> <p>21 Q And would Mr. Cho sometimes leave as early</p> <p>22 as 3:00 or 4:00?</p> <p>23 A Yes.</p> <p>24 Q Did Mr. Ko ever work later than 6:00 p.m.</p> <p>25 during your employment?</p>	<p>1 A No. Not even once.</p> <p>2 Q Did Mr. Cho ever work later than 6:00 p.m.</p> <p>3 during your employment?</p> <p>4 A Yes. Maximum about five times.</p> <p>5 Q And how about Saturday work? Did you</p> <p>6 observe any difference in terms of the amount of</p> <p>7 Saturdays worked by Mr. Cho and Mr. Ko versus yourself</p> <p>8 or Mr. Kang or Mr. Park?</p> <p>9 A I saw Mr. Cho on a few occasions. Never</p> <p>10 Mr. Ko or Mr. Yoon.</p> <p>11 Q And did Mr. Cho work fewer Saturdays than</p> <p>12 Mr. Kang?</p> <p>13 A It is.</p> <p>14 Q Are you able to estimate how many Saturdays</p> <p>15 Mr. Cho worked during the period that you worked for</p> <p>16 U. Lim?</p> <p>17 A Yes. About three times.</p> <p>18 Q Three times?</p> <p>19 A Yes.</p> <p>20 Q And how about Sundays? Did you ever</p> <p>21 observe Mr. Ko or Mr. Yoon work on a Sunday?</p> <p>22 A No.</p> <p>23 Q How about Mr. Cho?</p> <p>24 A No.</p> <p>25 Q So the Sundays that you work -- you worked</p>

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<p>1 you never worked with either Mr. Ko or Mr. Yoon or</p> <p>2 Mr. Cho?</p> <p>3 A No.</p> <p>4 Q Other than the difference in the working</p> <p>5 hours that you've described, were there any other</p> <p>6 reasons why you concluded or believed that Mr. Yoon</p> <p>7 favored Mr. Cho and Mr. Ko over Mr. Park and Mr. Kang</p> <p>8 and, I guess, yourself?</p> <p>9 A Those three, they had their own secrets.</p> <p>10 Q Their own what?</p> <p>11 A Secrets.</p> <p>12 Q Secrets. What do you mean by that?</p> <p>13 THE INTERPRETER: I have to make clear what</p> <p>14 I hear from him.</p> <p>15 THE WITNESS: They didn't tell other</p> <p>16 people, but among those three, they had some secrets,</p> <p>17 I think, involving female.</p> <p>18 BY MR. BATTENFELD:</p> <p>19 Q Now, you previously testified that</p> <p>20 Mr. Yoon's abuses, I think you called it, or maybe</p> <p>21 Mr. Grey called it was primarily directed at Mr. Park</p> <p>22 and Mr. Kang; is that correct?</p> <p>23 A Yes.</p> <p>24 Q And was that also a reason why you believe</p> <p>25 that Mr. Yoon favored Mr. Ko and Mr. Cho?</p>	<p>1 A Yes, it is possible.</p> <p>2 Q Did you ever see Mr. Yoon throw anything at</p> <p>3 Mr. Ko or Mr. Cho?</p> <p>4 A No.</p> <p>5 Q Did you ever see Mr. Yoon kick Mr. Ko or</p> <p>6 Mr. Cho?</p> <p>7 A No, I did not.</p> <p>8 Q Did you ever see Mr. Yoon kick Mr. Ko or</p> <p>9 Mr. Cho?</p> <p>10 A No.</p> <p>11 Q And did you ever see Mr. Yoon yell at</p> <p>12 Mr. Ko?</p> <p>13 A Yes, many times.</p> <p>14 Q So he yelled at Mr. Ko?</p> <p>15 A Yes.</p> <p>16 Q Did you ever see Mr. Yoon yell at Mr. Cho?</p> <p>17 A Yes.</p> <p>18 Q And was that frequently or infrequently?</p> <p>19 A Frequently.</p> <p>20 Q Did Mr. Yoon yell at Mr. Ko more frequently</p> <p>21 or less frequently or about the same as he yelled at</p> <p>22 Mr. Kang?</p> <p>23 A About same.</p> <p>24 Q And how about Mr. Cho?</p> <p>25 A Mr. Cho I think is lesser.</p>

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1 Q And did Mr. Yoon yell at Mr. Park more than  
2 he yelled at others or was it about the same as he  
3 yelled at Mr. Ko and Mr. Kang?  
4 A Compared to Mr. Cho and Mr. Ko, I think he  
5 yelled at Mr. Park the most.  
6 Q And how about yourself? Did Mr. Yoon yell  
7 at you about the same as he yelled at Mr. Ko and  
8 Mr. Kang or less or more?  
9 A He didn't yell almost to me. Less maybe.  
10 He did yell at me about twice.  
11 Q So he yelled at you only twice?  
12 A Yes.  
13 Q Do you recall what he yelled at you about?  
14 A Once when I came to work late because of a  
15 late poker game he did. And second time when I went  
16 to ski, I took my wife to the higher place, and when  
17 he told me not to bring, then he was yelling at me  
18 that I was the bottom of the totem pole, that how  
19 could you do that. If you want to do that, quit it.  
20 In that way.  
21 Q Did you ever see Mr. Yoon yell at Raul?  
22 A I have not.  
23 Q Did you ever see Mr. Yoon yell at Sergio?  
24 A He didn't do to Mexicans.  
25 Q Now, while you were employed by U. Lim, did

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1 you ever talk to Mr. Kang or Mr. Park about your  
2 feeling that Mr. Yoon favored Mr. Ko and Mr. Cho?  
3 A No.  
4 Q Why not?  
5 A You don't talk everything as you feel.  
6 There are times that even you feel you don't like talk  
7 about it.  
8 Q Now, as I understand your testimony, most  
9 nights you would watch Mr. Cho and Mr. Yoon and Mr. Ko  
10 leave, and you and Mr. Park and Mr. Kang would  
11 continue to work for several hours; is that correct?  
12 A Yes.  
13 Q And did you ever -- when that happened did  
14 you or Mr. Kang or Mr. Park, you know, turn and, you  
15 know, say to someone else, you know, "That's not fair.  
16 Why are we always working here late?"  
17 A (No audible response)  
18 MR. BATTENFELD: I don't think the witness  
19 has answered my question.  
20 THE WITNESS: You stated that as -- that  
21 much difference treatment were received. If somebody  
22 cannot feel it's absolutely stupid -- I mean everybody  
23 knew that, and also my wife knew that. I talked to my  
24 wife. If you want to bring my wife, she will testify  
25 because I told her about it to her.

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1 BY MR. BATTENFELD:  
2 Q If you could listen to my question and  
3 answer my question, which is was there ever a time  
4 during all of these nights that you and Mr. Kang and  
5 Mr. Park were working late and Mr. Yoon and Mr. Cho  
6 and Mr. Ko had left and it's just the three of you,  
7 whoever other else was working there from the Mexican  
8 work force -- you're working late.  
9 Was there ever a time when you had a  
10 conversation with Mr. Kang or Mr. Park or both of them  
11 where one of you made a comment about, you know, "This  
12 isn't fair" or "This isn't right" or "How come they  
13 get to leave early," something like that?  
14 A No.  
15 Q Why not?  
16 A A difference I and myself. Other people  
17 file lawsuit or another person file lawsuit. I did  
18 not. Even although I was suffering physically and  
19 then also the evidence shows that I had operation  
20 right after I quit the job, but yet I didn't raise my  
21 voice. I did not say anything. That is the way I am.  
22 Q So you just -- you're not a complainer?  
23 MR. GREY: I'm going to object as  
24 argumentative.  
25 THE WITNESS: As I stated earlier, that the

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1 environment, the workplace was not a normal place.  
2 It's more like army camp. It was more like I was in  
3 his kingdom. The environment was quite scary to me.  
4 I was the bottom of the totem pole there. Yes, I  
5 complain, yet it was quite scary place for me to  
6 complain. How could I complain?  
7 And if -- I want to add I felt that the  
8 people who joined army, if they don't like the place,  
9 whether they should retire or they should quit, they  
10 should take their uniform off instead of complaining.  
11 I felt that if I cannot stay there or if I didn't like  
12 it, instead of complaining, I should quit the job.  
13 That is the way I felt there.  
14 BY MR. BATTENFELD:  
15 Q Did Mr. Kang ever complain in your presence  
16 while you were working at U. Lim about the hours he  
17 was working?  
18 A I question to myself those people. They  
19 work unfairly those many hours, never complained. And  
20 I felt that I was the last one, the bottom one. When  
21 they don't complain, that was always to me very  
22 questionable about it.  
23 Q Again we all want this process to move  
24 quickly. The question was yes or no, and I believe  
25 your answer is no.

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1 A Yes.  
 2 Q Thank you. If you could just please try to  
 3 answer my question.  
 4 Other than what you've testified now about,  
 5 were there any other things that happened that caused  
 6 you to feel that Mr. Yoon favored Mr. Ko and Mr. Cho  
 7 over Mr. Kang and Mr. Park?  
 8 A No.  
 9 Q Did Mr. Yoon ever tell you why either  
 10 yourself or Mr. Park or Mr. Kang had to stay to work  
 11 while he left early and Mr. Cho and Mr. Ko left early?  
 12 A No. He didn't explain anything. He said,  
 13 "You, you, you do the overtime today."  
 14 Q And did you ever form an opinion as to why  
 15 Mr. Yoon favored Mr. Ko and Mr. Cho over Mr. Park and  
 16 Mr. Kang and yourself?  
 17 A I just -- instead of forming my opinion, I  
 18 felt that Mr. Yoon was going out to meet a female, and  
 19 then -- and Mr. Cho and Mr. Ko maybe had partners too.  
 20 Therefore, they are more like each pairs going out  
 21 like as a pair or as a group going out. I felt that  
 22 way.  
 23 Q Any other reasons why you felt that  
 24 Mr. Yoon favored Mr. Ko and Mr. Cho?  
 25 A Mr. Cho is a friend from long time ago.

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1 Mr. Cho came to -- Mr. Ko came to this country through  
 2 U. Lim, that is, through Mr. Yoon. Mr. Cho had a  
 3 relationship with Mr. Yoon from Denver, and then from  
 4 Denver because of Mr. Yoon moved to San Diego, so  
 5 they -- I thought they were just good friends.  
 6 Q And I believe you testified that you felt  
 7 that Mr. Kang and Mr. Yoon were not friends; is that  
 8 correct?  
 9 A No, they were not friends.  
 10 Q Did you form any opinion as to why Mr. Kang  
 11 and Mr. Yoon were not friends?  
 12 A Mr. Kang was picked up locally here when he  
 13 opened up his business. Mr. Cho, from the  
 14 relationship he had in Denver, was brought by him.  
 15 Mr. Ko was brought by Mr. Yoon from Korea even before  
 16 even he opened up business here in Tijuana. So make  
 17 me think that they are friends.  
 18 The main thing is Mr. Ko has visitor's  
 19 visa. He doesn't have work visa. How could he hire  
 20 him to work here?  
 21 Q Again the question I was asking is what  
 22 opinion -- what was the basis of any opinion you had  
 23 that Mr. -- as to why Mr. Yoon and Mr. Kang were not  
 24 friends.  
 25 Have you now fully answered that question?

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1 A I had my opinion about Mr. Kang being  
 2 locally picked up so didn't have any previous  
 3 relationship or friendship with him, and the others  
 4 had a previous friendship or relationship with him.  
 5 Q Now, I know you talked about this on direct  
 6 examination, but this is now cross-examination, so the  
 7 question I want to ask you is as best as you can  
 8 recall, what were all of the insulting or bad or  
 9 negative things that Mr. Yoon said to Mr. Kang while  
 10 you worked there?  
 11 A Yeah. During my stay I witnessed all  
 12 those.  
 13 Q What? What specifically?  
 14 A I stated -- I told you all those earlier.  
 15 It has been so many hours here. I have my headache.  
 16 I cannot -- I don't have a clear head. I cannot say  
 17 what I said before.  
 18 Q Again I'm not asking you what you said  
 19 before. I'm asking you what you recall right now.  
 20 MR. GREY: Objection. Asked and answered.  
 21 MR. BATTENFELD: Asked and answered is not  
 22 an appropriate objection on cross-examination.  
 23 MR. GREY: Well, I'm going to object  
 24 anyhow. I mean he's already answered the thing.  
 25 THE WITNESS: No. I don't remember. I'm

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1 feeling a little tired.  
 2 MR. BATTENFELD: Here's the problem I have.  
 3 I think we're getting close to getting done, but I  
 4 think -- the witness is saying he is not able to give  
 5 his best testimony.  
 6 MR. GREY: Can't you cut to the quick? You  
 7 already got the answers on that. We went over that at  
 8 great length.  
 9 MR. BATTENFELD: Well, to me it was  
 10 garbled, and that's why I'm just trying to get  
 11 clarified.  
 12 MR. GREY: I thought we did clarify. We  
 13 went through the exact words. We went through the  
 14 definitions he thought were curses. We went through  
 15 stupid, jerk, asshole, son of a bitch and which ones  
 16 he called who to. You got to help the witness out a  
 17 little bit and help to conclude this thing.  
 18 BY MR. BATTENFELD:  
 19 Q Do you feel able to continue answering my  
 20 questions?  
 21 A Yeah, I will do. But at same time I only  
 22 can answer what I can think right now. There are  
 23 things that because of these long hours I think I  
 24 cannot say. I cannot make up the information for you.  
 25 Q During your employment with U. Lim, did you

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1 ever hear Mr. Kang say anything that was of a negative  
2 tone directed at Koreans?  
3 THE INTERPRETER: Mr. Kang?  
4 MR. BATTENFELD: Mr. Yoon. I'm sorry.  
5 Mr. Yoon.  
6 THE WITNESS: You mean Korean community  
7 here or --  
8 BY MR. BATTENFELD:  
9 Q Koreans either as a race or people who were  
10 of Korean origin, something negative.  
11 A I don't remember now.  
12 Q Not that you can remember?  
13 A Not right now I cannot remember.  
14 Q Now, earlier -- and it wasn't clear to me  
15 what the translation was or what the statement was.  
16 Earlier today there was some reference, and I couldn't  
17 tell if it was to slangs or slants.  
18 Which word were you referring to?  
19 A Slang.  
20 Q Slang. Okay. And by slang, you were  
21 referring to the words you were describing at that  
22 time?  
23 A I can't say anything right now.  
24 Q But it was slang, s-l-a-n-g?  
25 THE INTERPRETER: I think my recollection

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1 is when Mr. Grey questioned slang --  
2 MR. BATTENFELD: Well, again I'm asking for  
3 the witness' testimony, not yours.  
4 THE INTERPRETER: All right.  
5 THE WITNESS: Right now I can't recall what  
6 I said today.  
7 BY MR. BATTENFELD:  
8 Q But as you sit here today right now, slang  
9 is what you were referring to?  
10 A I don't remember what I said even today.  
11 Q Do you ever recall Mr. Yoon using the word  
12 slants when you worked for U. Lim?  
13 A Yes, he did.  
14 Q And how often do you recall him using that  
15 word?  
16 THE INTERPRETER: I have to understand you.  
17 When you say slant, would you explain it to me? It  
18 can be about two, three different things. What do you  
19 mean?  
20 MR. BATTENFELD: Well, what are you  
21 referring to?  
22 THE INTERPRETER: I --  
23 MR. BATTENFELD: No. The witness.  
24 THE INTERPRETER: No. I didn't translate.  
25 MR. BATTENFELD: I'm sorry.

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1 THE INTERPRETER: I have to understand to  
2 be able to translate --  
3 MR. BATTENFELD: Sure.  
4 THE INTERPRETER: -- in Korean.  
5 MR. BATTENFELD: In English slant could  
6 simply mean what is your slant on this issue.  
7 THE INTERPRETER: All right.  
8 MR. BATTENFELD: And slant can also be a  
9 derogatory term directed at some categories of Asian.  
10 THE INTERPRETER: That's why I want to know  
11 which one you want me to use.  
12 MR. BATTENFELD: Well, I'm just trying to  
13 get clarified from earlier because I wasn't sure I  
14 understood the testimony this morning. So I don't  
15 know if he used either of those words.  
16 THE INTERPRETER: I only translate slang,  
17 if you are asking me. I ask you question because I  
18 didn't want to translate. Slant can be two, three  
19 different things.  
20 MR. BATTENFELD: If you could translate it  
21 if there's an equivalent word in Korean as the  
22 derogatory term.  
23 THE INTERPRETER: The slant?  
24 Linguistically the slant word isn't used by  
25 non-Asians. To Asians that word of slant doesn't mean

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1 the way non-Asians understand.  
2 MR. BATTENFELD: Okay.  
3 MR. GREY: They probably use round eyes.  
4 THE INTERPRETER: No, we don't. No, we  
5 don't. But what I'm saying is when you say slant,  
6 what you meant now is understood in Asian community  
7 different way. We don't talk about it because  
8 everybody has slant eyes. We don't talk about that.  
9 So the meaning of slant is very different  
10 than you are saying slant. So I cannot -- I have  
11 to -- if I do verbatim translation -- although slant  
12 has totally different meaning in Korean. So you want  
13 me to do that? That's why before when we were saying  
14 slang -- slang -- the verbatim translation in Korean  
15 is different than what you are saying slang.  
16 MR. BATTENFELD: I'm just trying to simply  
17 as I can find out if the witness is or is not claiming  
18 that Mr. Yoon used a term that would have been the  
19 equivalent of slant.  
20 THE INTERPRETER: No. A Korean does not  
21 use the word the meaning of a slant to another Korean.  
22 MR. BATTENFELD: Well, if you could ask the  
23 witness that.  
24 THE INTERPRETER: All right. Let me  
25 first -- I need to explain --



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1 MR. BATTENFELD: Before --	1 ambiguous.
2 THE INTERPRETER: -- slant, meaning of what	2 THE WITNESS: No.
3 you said.	3 BY MR. BATTENFELD:
4 MR. BATTENFELD: Before you try to	4 Q Were you ever present when Mr. Yoon
5 translate, perhaps if we could just get over this in	5 threatened to fire Mr. Kang?
6 English, we can move on.	6 A He did to everybody.
7 Do you understand what I'm asking from	7 Q Who did he threaten to fire?
8 English?	8 A Mr. Cho, Mr. Park, Mr. Ko and Mr. Kang,
9 THE WITNESS (without interpreter): No.	9 even to me. So I quit the job.
10 THE INTERPRETER: Let me explain about what	10 Q And what was the nature of any threat he
11 I said to you between you and I.	11 made to Mr. Kang about firing Mr. Kang? What do you
12 MR. BATTENFELD: Right.	12 recall? What words did he use?
13 THE INTERPRETER: Now he understand what	13 A He threw the reports, and, "You, jerk. If
14 you are saying slant.	14 you want to do it, quit it like that way."
15 BY MR. BATTENFELD:	15 Q Anything other than that, other than
16 Q I guess the question is did Mr. Yoon ever	16 telling Mr. Kang to quit?
17 use that type of a word.	17 A It's very similar manners. Just very
18 A No. They don't talk about it.	18 casual just to everybody. Casually he says that to
19 Q Did Mr. Kang ever tell you that he was	19 everybody what he did to Mr. Kang.
20 worried about being fired?	20 Q Words to the effect of if you don't do
21 A No.	21 something or if you don't like something, you can
22 Q Were you ever present when Mr. Yoon made	22 quit?
23 any sort of a promise of some sort to Mr. Kang, a	23 A Yeah.
24 work-related promise?	24 Q Did Mr. Kang ever complain about anything
25 MR. GREY: Objection. Overbroad, vague and	25 work-related in your presence while you were working

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1 for U. Lim?	1 Q Now, on Page 3 of your statement there's
2 A No, he didn't.	2 handwritten "Mr. Cho" near the bottom.
3 Q Now, when you were talking about your	3 Do you see that?
4 statement earlier, you made some reference to notes.	4 A Yes.
5 What notes were you referring to?	5 Q Is that your handwriting?
6 A If you remind me, I will say I don't	6 A This is not mine.
7 remember what I said today.	7 Q Was that handwritten on the document when
8 Q Do you recall as you sit here now that	8 you received it in the mail?
9 there were any notes that either you prepared or	9 A Yes.
10 somebody else prepared in addition to the statement	10 Q Did you make any changes to your statement,
11 that's been marked as Exhibit 1?	11 either an earlier draft or this statement, before you
12 A Are you talking about the report, daily	12 signed it?
13 report we prepared in the morning?	13 A No. Once this was written, no time that it
14 Q No, no, no. I thought you made reference	14 has been corrected. No.
15 to notes when you talked about the preparation of your	15 Q Okay. Did you ever tell Mr. Kang at any
16 statement.	16 time either while you were working for U. Lim or after
17 A No. I don't think there was a time that I	17 up to the present that you felt that Mr. Yoon was a
18 prepared a note. I think I may refer this note that	18 coward?
19 information I have, but nothing to even make a note	19 THE INTERPRETER: Would you repeat that?
20 about it. Just I think I may referred this.	20 BY MR. BATTENFELD:
21 Q And you did not type that statement; is	21 Q The question is did you ever tell
22 that correct?	22 Mr. Kang -- and this is at any time, meaning while you
23 A No, I did not.	23 were working for U. Lim or after -- that you felt
24 Q It was mailed to you?	24 Mr. Yoon was a coward?
25 A I think, yes, came by mail.	25 A No, I have not.

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<p style="text-align: right;">Page 154</p> <p>1 Q And did you ever tell Mr. Kang -- again</p> <p>2 this is at any time including after you left U. Lim up</p> <p>3 to the present -- that you believe Mr. Yoon had</p> <p>4 embezzled or stolen money from U. Lim?</p> <p>5 A I made that statement?</p> <p>6 Q To Mr. Kang.</p> <p>7 A I think I may have.</p> <p>8 Q And when was that?</p> <p>9 A I do not remember.</p> <p>10 Q Do you remember if it was while you were</p> <p>11 working for U. Lim or after?</p> <p>12 A I think when I was working.</p> <p>13 Q And what do you recall telling Mr. Kang?</p> <p>14 A I think maybe I said it seems to me that he</p> <p>15 has about \$400,000 in cash from the company which is</p> <p>16 behind his father's back.</p> <p>17 Q And that's what you told Mr. Kang?</p> <p>18 A I think so I did.</p> <p>19 Q And what was Mr. Kang's response?</p> <p>20 A He didn't say anything.</p> <p>21 Q And what was the basis of the belief that</p> <p>22 you expressed to Mr. Kang about Mr. Yoon's conduct?</p> <p>23 A Mr. Yoon bragged about it.</p> <p>24 Q Who did he brag about it to?</p> <p>25 A I think he was talking maybe to Mr. Cho or</p>	<p style="text-align: right;">Page 155</p> <p>1 Ko, but happen to be I was there. So I heard,</p> <p>2 overheard, then they knew that when I overheard, they</p> <p>3 immediately changed the subject. But I wasn't stupid.</p> <p>4 I mean I heard everything. I got it.</p> <p>5 I now remember. When we were having meal,</p> <p>6 he said he was planning to do some different business</p> <p>7 behind his father. He was asking that, giving me some</p> <p>8 idea, if you have some idea to do some different</p> <p>9 business. The subject of our conversation became like</p> <p>10 business between us, how much you would need to have</p> <p>11 that kind of business, so and so.</p> <p>12 At the time Mr. Yoon said -- he bragged</p> <p>13 that he had \$400,000 in cash which was behind his</p> <p>14 father's back from which he received that from</p> <p>15 Sam Sung. S-a-m, one space, S-u-n-g. It's name of</p> <p>16 company.</p> <p>17 Q And you overheard this?</p> <p>18 A Yes. And then also said that the money</p> <p>19 came from the payment of molding, like molding. You</p> <p>20 can produce same thing over and over through molding.</p> <p>21 Q Anything else you can recall that you based</p> <p>22 your statement to Mr. Kang about your belief that</p> <p>23 Mr. Yoon had embezzled or stolen money?</p> <p>24 A No. That's all what Mr. Yoon said. That's</p> <p>25 all I had.</p>
<p style="text-align: right;">Page 156</p> <p>1 Q Now, the meetings that you talked about in</p> <p>2 the meeting room, where was the meeting room?</p> <p>3 A Mr. Yoon's office is the meeting room.</p> <p>4 Q And who attended these daily meetings?</p> <p>5 A As I stated earlier, that all Korean</p> <p>6 managers attended.</p> <p>7 Q And you mentioned that Raul attended for a</p> <p>8 few minutes?</p> <p>9 A Yes, I did.</p> <p>10 Q And was that every time or just sometimes?</p> <p>11 A Whenever when Mr. Yoon calls him specially.</p> <p>12 Q Did you ever see Mr. Yoon strike Mr. Kang</p> <p>13 with a ruler?</p> <p>14 MR. GREY: Objection. Asked and answered.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MR. BATTENFELD:</p> <p>17 Q How many times?</p> <p>18 A More than ten times.</p> <p>19 Q He struck Mr. Kang more than ten times?</p> <p>20 A Yes.</p> <p>21 Q Because earlier you testified that he</p> <p>22 struck Mr. Park more than ten times.</p> <p>23 Is it also your testimony that he struck</p> <p>24 Mr. Kang more than ten times?</p> <p>25 A Mr. Yoon harassed those two different from</p>	<p style="text-align: right;">Page 157</p> <p>1 one another and the other one. Mr. Park and Mr. Kang.</p> <p>2 He harassed and abused those two.</p> <p>3 Q Question I'm asking is just to confirm is</p> <p>4 it your testimony that you observed Mr. Yoon striking</p> <p>5 Mr. Kang with a ruler more than ten times.</p> <p>6 A Yes. Definitely more than ten times.</p> <p>7 Q Okay.</p> <p>8 MR. GREY: Before we go any further, how</p> <p>9 much longer, John?</p> <p>10 MR. BATTENFELD: I've only got a few more</p> <p>11 questions. I will represent you did not get into this</p> <p>12 issue. You asked about Mr. Park but not Mr. Kang, so</p> <p>13 that's why I'm asking.</p> <p>14 MR. GREY: Go ahead. Just a couple more</p> <p>15 questions?</p> <p>16 MR. BATTENFELD: Yeah. I'm very close to</p> <p>17 being done.</p> <p>18 BY MR. BATTENFELD:</p> <p>19 Q When you observed Mr. Yoon striking</p> <p>20 Mr. Kang with a ruler, was anyone else ever present</p> <p>21 besides yourself, Mr. Yoon and Mr. Kang?</p> <p>22 A Mostly I only like to state what I saw.</p> <p>23 Mostly the event or events have been taken in the</p> <p>24 meeting room.</p> <p>25 Q Was Mr. Park ever present when Mr. -- when</p>



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1 you observed Mr. Yoon strike Mr. Kang with a ruler?  
 2 A Yes.  
 3 Q Was Mr. Cho ever present when you observed  
 4 Mr. Yoon strike Mr. Kang with a ruler?  
 5 A Yes.  
 6 Q Was Mr. Ko ever present when you observed  
 7 Mr. Kang strike Mr. Cho -- sorry -- Mr. Yoon strike  
 8 Mr. Kang with a ruler?  
 9 A Yes.  
 10 Q And did you ever observe Mr. Yoon strike  
 11 anyone with a ruler other than Mr. Park and Mr. Kang?  
 12 A Yes. Of course, but I see Mr. Ko also  
 13 receive that too.  
 14 Q And do you recall any of the -- of any of  
 15 the times that you saw Mr. Yoon strike Mr. Kang with a  
 16 ruler, do you recall anything that caused him to  
 17 strike Mr. Kang with a ruler?  
 18 A No.  
 19 Q Was Mr. Yoon angry at Mr. Kang for some  
 20 reason?  
 21 A I do not know whether he had a reason or  
 22 not, but in that company whether you have a reason or  
 23 not I don't think anybody striking somebody else can  
 24 be justified. I don't think so.  
 25 Q Again my question is whether you recall any

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1 of the incidents where you can recall what caused  
 2 Mr. Yoon to strike Mr. Kang. For example, was he  
 3 upset about production? Was he upset about a work  
 4 error that Mr. Kang had made? Was he upset about some  
 5 personal issue? Do you remember any of the reasons  
 6 that led Mr. Yoon to strike Mr. Kang with a ruler?  
 7 A You cannot define whether he has some  
 8 reason or not. He may have some personal reasons, but  
 9 whether he has personal reasons or not, he brings  
 10 everything to work all day. His mood has been up and  
 11 down, up and down. You even cannot even reason what  
 12 is the reason behind his behaviors.  
 13 Q He was a mystery to you?  
 14 THE INTERPRETER: I didn't hear you.  
 15 BY MR. BATTENFELD:  
 16 Q Mr. Yoon was a mystery to you, his  
 17 behavior?  
 18 MR. GREY: Object. Misstates his  
 19 testimony.  
 20 THE WITNESS: Yes.  
 21 BY MR. BATTENFELD:  
 22 Q And where did you observe Mr. Kang being  
 23 struck with the ruler by Mr. Yoon? Not where as in  
 24 the office, but where on Mr. Kang's body?  
 25 A Shoulder, neck, head, arm area. I think

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1 those.  
 2 Q And sometimes with the flat part of the  
 3 ruler and sometimes with the edge of the ruler?  
 4 A Yes.  
 5 Q And did Mr. Kang ever act in a manner where  
 6 you believe he was hurt physically by what Mr. Yoon  
 7 was doing with the ruler?  
 8 MR. GREY: Objection. Calls for  
 9 speculation.  
 10 THE WITNESS: I never got hit by other  
 11 people. I cannot relate my feeling, that kind feeling  
 12 to me.  
 13 BY MR. BATTENFELD:  
 14 Q Okay. So you don't know?  
 15 A If you get hit, wouldn't you get hurt?  
 16 Q Well, the question I'm asking is from your  
 17 observation of Mr. Kang, did you observe anything that  
 18 caused you to believe that it physically hurt Mr. Kang  
 19 when he was hit with the ruler?  
 20 A I don't think it's reasonable for me to  
 21 tell you whether physically when Mr. Yoon struck  
 22 Mr. Kang hurt or not because he didn't do that to me.  
 23 So when you are telling me to describe whether  
 24 Mr. Kang got hurt or not, I don't think it's feasible  
 25 for me to answer for your question because I don't

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1 know physically how much it hurt him or not.  
 2 THE REPORTER: I need a break.  
 3 (Recess)  
 4 BY MR. BATTENFELD:  
 5 Q Now, you previously estimated that Mr. Yoon  
 6 had kicked Mr. Kang three to four times.  
 7 Did you ever observe anything that --  
 8 either Mr. Kang's reaction or anything else that  
 9 caused you to believe that it hurt Mr. Kang when he  
 10 was kicked by Mr. Yoon?  
 11 A Yes.  
 12 Q What?  
 13 A He had had expression when he got hit by --  
 14 kicked by Mr. Yoon. He was holding his legs or leg  
 15 got struck by Mr. Yoon and holding it, rubbing it, and  
 16 then also he expressed that it was hurting.  
 17 Q And how many of the three or four times  
 18 that you saw Mr. Yoon kick Mr. Kang did he react in  
 19 that manner?  
 20 A Every time when he kicked Mr. Kang. I  
 21 think every time.  
 22 Q And am I correct that the only people  
 23 Mr. Yoon ever kicked that you observed being kicked  
 24 were Mr. Park and Mr. Kang?  
 25 A Mr. Ko got too.

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1 Q And how many times did you observe Mr. Ko  
2 being kicked?  
3 THE WITNESS (without interpreter): Mr. Ko?  
4 MR. BATTENFELD: Yes.  
5 THE WITNESS: Couple times, I think.  
6 BY MR. BATTENFELD:  
7 Q And how many times did you see Mr. Ko  
8 struck with a ruler?  
9 A About three times. Three times. About  
10 three times.  
11 MR. GREY: What was the last question?  
12 (Question read)  
13 BY MR. BATTENFELD:  
14 Q Now, if you could look at your declaration  
15 and look at Paragraph 6 on Page 2, do you see that?  
16 A Yes.  
17 Q Your declaration says, "Once I saw Mr. Yoon  
18 throw a crystal ashtray at Mr. Park which struck him  
19 on the forehead. I was told by a secretary thereafter  
20 that he bled because of it."  
21 Who was the secretary who told you that?  
22 A Laura.  
23 Q How do you spell that?  
24 A We call Laura.  
25 Q Was she one of the Mexican workers?

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1 A Yes.  
2 Q Whose secretary was she?  
3 A I think she was working for accounting  
4 department, but she also covered as a secretary role  
5 too. There was one more lady, which I don't remember  
6 her name.  
7 Q And this incident with the ashtray, what  
8 month did this incident occur?  
9 A That event was not during my employment  
10 there. Therefore, when I heard that, I assumed that  
11 that event was there before I went to work there.  
12 Q Okay. So the incident where Mr. Yoon threw  
13 a crystal ashtray at Mr. Park where you were told by a  
14 secretary that he bled because of it, that did not  
15 occur while you were working for U. Lim?  
16 A That's correct.  
17 Q When did it occur?  
18 A I state earlier that I assume that it  
19 didn't happen when I was there, so it could have been  
20 before.  
21 Q When were you told about the incident?  
22 A No idea.  
23 Q Sometime after you had left U. Lim's  
24 employment you were told by Laura about the incident?  
25 A No. When I was working there after I got

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1 acquainted with the Mexican staff there, then they  
2 told me about it.  
3 Q Okay. So they told you about it while you  
4 were working, but it had happened -- you believe it  
5 happened before you started working for U. Lim?  
6 A Yes.  
7 Q So just to be clear, you did not personally  
8 observe Mr. Yoon throw an ashtray at Mr. Park which  
9 struck him on the forehead?  
10 A It's correct.  
11 Q Did you ever tell anyone who worked for  
12 U. Lim that the -- you had gotten sick, you were  
13 having stomach problems because of some food you had  
14 eaten?  
15 A You mean some food I got ill I ate?  
16 Q The question is did you tell anyone who  
17 worked at U. Lim that you had gotten sick, that you  
18 were having stomach problems because of food you had  
19 eaten?  
20 A I may have so. The reason is the symptoms  
21 I have I find out after I quit U. Lim, and then also I  
22 found out when they open up my stomach, they find out  
23 what went wrong.  
24 So when I was working there, I didn't know  
25 whether that was caused by food that I ate. I didn't

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1 know anything. So I may have. I don't remember  
2 whether I said that or not. I don't recall right now  
3 at all about it. Just logically if you eat something  
4 wrong, you maybe have a few days of stomach sick. So  
5 I may have so, but I don't recall right now at all.  
6 Q Do you currently have Crone's disease?  
7 A I am still taking medication so -- but you  
8 want me to say yes or no, so I would say yes, even  
9 sitting here I still have pain here. I can even hear  
10 what is going on there. I'm sure the people sitting  
11 both sides, they may have heard.  
12 Q Has any doctor ever told you that your  
13 Crone's disease was a genetic condition?  
14 A Yes.  
15 Q And what doctor or doctors told you that?  
16 A Dr. Simay.  
17 Q How do you spell that?  
18 A Can I see?  
19 Q Sure. Do you have a business card for him?  
20 A Before they open my stomach, nobody ever  
21 told me that I had Crone's disease. This is not --  
22 this is my family doctor. This is like my family  
23 doctor. Simay.  
24 Q How do you spell that?  
25 A S-i-m-a-y.

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<p>1 Q S-i-m-a-y?</p> <p>2 A I am reading. He is not the one who did</p> <p>3 operate me. He is my family doctor. He has custody</p> <p>4 of my -- the surgery record. Telephone number is 619</p> <p>5 454-6141.</p> <p>6 MR. GREY: We're taking one break?</p> <p>7 (Recess)</p> <p>8 BY MR. BATTENFELD:</p> <p>9 Q Mr. Baek, has any doctor ever told you that</p> <p>10 your Crone's disease was caused by your working</p> <p>11 conditions at U. Lim?</p> <p>12 A No.</p> <p>13 MR. BATTENFELD: I have nothing further.</p> <p>14</p> <p>15 FURTHER EXAMINATION</p> <p>16 BY MR. GREY:</p> <p>17 Q Mr. Baek, I understand we've been going at</p> <p>18 it now since 10:00 o'clock. So that's nearly nine</p> <p>19 hours of deposition.</p> <p>20 What time did you go to bed last night?</p> <p>21 A 3:30 a.m.</p> <p>22 Q What time did you get up this morning?</p> <p>23 A 7:00 o'clock.</p> <p>24 Q Is it fair to say you're very tired right</p> <p>25 now?</p>	<p>1 A Yes.</p> <p>2 Q I want to try to clarify a couple of points</p> <p>3 because I think you were tired by the end of this</p> <p>4 deposition.</p> <p>5 In your declaration you indicated that you</p> <p>6 observed Mr. Yoon throw objects at Mr. Park including</p> <p>7 an ashtray? Do you see that?</p> <p>8 A (Witness nods)</p> <p>9 Q And in your deposition earlier today you</p> <p>10 indicated again that you observed Mr. Yoon throw an</p> <p>11 ashtray at Mr. Park.</p> <p>12 As you sit here today, do you remember</p> <p>13 seeing that?</p> <p>14 A Yes, he did. Yes, I am certain about it.</p> <p>15 Q And this wasn't just something somebody</p> <p>16 told you, correct?</p> <p>17 A The reason I am laughing right now is when</p> <p>18 he was asking me question, I got confused with a few</p> <p>19 things.</p> <p>20 Q What did you get confused about?</p> <p>21 A When I saw that the ashtray was thrown to</p> <p>22 Mr. Park, I got quite scared. Therefore, when I was</p> <p>23 talking about it, Laura stated that it happened before</p> <p>24 too.</p> <p>25 Q Okay. So when you referred to something</p>

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<p>1 happening before, that was another event; is that</p> <p>2 correct?</p> <p>3 MR. BATTENFELD: I'll object to the</p> <p>4 question as leading.</p> <p>5 BY MR. GREY:</p> <p>6 Q You can answer.</p> <p>7 A Yes. It's very clear, yes.</p> <p>8 Q And that was an event you did not see?</p> <p>9 A Yes. When he was asking me about the event</p> <p>10 that I did not see.</p> <p>11 Q Now, defense counsel asked you a whole</p> <p>12 bunch of questions about who was kicked, who Mr. Yoon</p> <p>13 threw things at and who did Mr. Yoon hit. Okay?</p> <p>14 Do you remember that?</p> <p>15 A I will try to recall.</p> <p>16 Q Okay. And I believe at one point in the</p> <p>17 deposition he asked you a string of questions, did</p> <p>18 Mr. Yoon ever kick Mr. Ko, did Mr. Yoon ever kick</p> <p>19 Mr. Cho, did Mr. Yoon ever throw something at Mr. Cho,</p> <p>20 did Mr. Yoon ever throw something at Mr. Ko.</p> <p>21 Do you remember that line of questioning?</p> <p>22 MR. BATTENFELD: I'll object to the</p> <p>23 question as being compound and leading.</p> <p>24 THE WITNESS: Yes.</p> <p>25 ///</p>	<p>1 BY MR. GREY:</p> <p>2 Q And I believe at that time you indicated</p> <p>3 that you had never seen Mr. Ko hit by Mr. Yoon, and</p> <p>4 later in the deposition you indicated that you saw</p> <p>5 Mr. Ko struck with a ruler three times.</p> <p>6 As you sit here today, do you have a</p> <p>7 personal recollection of ever having seen Mr. Yoon</p> <p>8 strike Mr. Ko with a ruler?</p> <p>9 A I don't think so. He confused me a lot.</p> <p>10 Q Okay.</p> <p>11 A I had a certain memory in my head. When he</p> <p>12 ask me question, he jumps one to the other one to the</p> <p>13 other way. Then you get very natural way of</p> <p>14 confusion.</p> <p>15 Q We just want to get the truth out, whatever</p> <p>16 that is. Okay?</p> <p>17 And as you sit here today, is it your</p> <p>18 belief or do you have any recollection of whether or</p> <p>19 not Mr. Yoon struck Mr. Ko with a ruler in your</p> <p>20 presence?</p> <p>21 A Now I think that Mr. Yoon -- I don't think</p> <p>22 I witnessed hitting Mr. Cho. Mr. Ko -- my head is not</p> <p>23 very clear right now.</p> <p>24 Q Now, we just confused Cho and Ko. Right</p> <p>25 now we're talking about Ko. If you don't remember,</p>

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Teddy Baek

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1 you can say, "I don't remember."  
2 A If you sleep only three hours, I don't  
3 think you can have straight answers. I just like to  
4 finish it up and go back home and sleep.  
5 Q Okay. Is it your testimony then you're too  
6 tired now to think clearly?  
7 A Yes. And then also the memories got all  
8 blurry now because the reason so many questions, so  
9 long questions. I have been drilled by the other  
10 attorney.  
11 MR. GREY: Well, we can suspend your  
12 deposition then. Okay? I warn you there is a chance  
13 that we may have to come back to get your best  
14 testimony on some of these matters. Now, that's not  
15 guaranteed to happen because you're going to get a  
16 copy of the transcript and you're going to have an  
17 opportunity to go through that transcript and to make  
18 corrections that you deem necessary. But there is a  
19 chance because we won't -- we'll be suspending the  
20 deposition that if the attorneys are not satisfied  
21 that they have all the information necessary to  
22 conclude the deposition, you may have to come back.  
23 Do you understand that?  
24 (No audible response)  
25 THE REPORTER: I didn't hear an answer.

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1 I'm sorry.  
2 THE WITNESS: Yes.  
3 MR. GREY: Then I propose we suspend the  
4 deposition. We'll issue the transcript as Volume I.  
5 We relieve the court reporter of her duty under the  
6 code and forward the deposition transcript directly to  
7 Mr. Baek to have him read and sign the deposition  
8 transcript.  
9 You will have 30 days from the date of  
10 receipt to read and sign the transcript, to make any  
11 corrections which you deem are necessary and then to  
12 notify us of those changes.  
13 And I would propose that the original be  
14 forwarded to my office to remain in my custody and to  
15 be produced at the time of trial or any other judicial  
16 proceeding or so required or requested. And if for  
17 any reason the original is lost, stolen, misplaced, a  
18 certified copy can be used in its stead. And I will  
19 notify defense counsel of any changes received within  
20 three days of receipt.  
21 MR. BATTENFELD: Couple things. I think  
22 your proposed stipulation was a little confusing. You  
23 originally said the original would be forwarded to  
24 Mr. Baek, and later I think you said the original  
25 would be forwarded to you. Which is it you're

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1 proposing?  
2 MR. GREY: After he reads and signs it,  
3 he'll mail it to me.  
4 MR. BATTENFELD: Your proposal is the  
5 transcript will be initially sent to Mr. Baek?  
6 MR. GREY: Right.  
7 MR. BATTENFELD: After he's reviewed it and  
8 signed it, he'll forward it to you; is that correct?  
9 MR. GREY: Right.  
10 MR. BATTENFELD: I just want to make  
11 sure -- since the witness is going to be part of this,  
12 he needs to make a representation that he will both,  
13 you know, accept the original transcript and then he  
14 will commit to forwarding it to Mr. Grey after he's  
15 had an opportunity within the 30 days to correct and  
16 sign it.  
17 MR. GREY: Do you understand the  
18 stipulation?  
19 THE WITNESS: Yes.  
20 MR. GREY: And do you accept the  
21 responsibility to read and sign your transcript and  
22 forward it to my office after you've done so?  
23 And please forward to him a stamped,  
24 addressed envelope to my office with the original.  
25 MR. BATTENFELD: The only other stipulation

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1 I propose is that if Mr. -- for some reason Mr. Baek  
2 does not sign and forward the original transcript to  
3 you, that an unsigned copy, certified copy of the  
4 transcript may be used for all purposes.  
5 MR. GREY: So stipulated.  
6 THE REPORTER: Off the record?  
7 MR. GREY: I think so.  
8 (Whereupon Volume I proceedings concluded  
9 at 7:15 p.m.)

\* \* \*

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<p>1        <u>DECLARATION UNDER PENALTY OF PERJURY</u></p> <p>2</p> <p>3        I, TEDDY BAEK, do hereby certify under</p> <p>4 penalty of perjury that I have read the foregoing</p> <p>5 transcript of my deposition taken November 10, 1999;</p> <p>6 that I have made such corrections as appear noted</p> <p>7 herein, in ink, initialed by me; that my testimony as</p> <p>8 contained herein, as corrected, is true and correct.</p> <p>9        Dated this _____ day of _____,</p> <p>10 19 ____, at _____, California.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 _____</p> <p>16                                TEDDY BAEK</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2        I, Anita Worthington, a Certified Shorthand</p> <p>3 Reporter in the State of California, do hereby</p> <p>4 certify:</p> <p>5</p> <p>6        That the foregoing witness was by me duly</p> <p>7 sworn; that the deposition was then taken before me at</p> <p>8 the time and place herein set forth; that the</p> <p>9 testimony and proceedings were reported</p> <p>10 stenographically by me and later transcribed into</p> <p>11 typewriting under my direction; that the foregoing is</p> <p>12 a true record of the testimony and proceedings taken</p> <p>13 at that time.</p> <p>14</p> <p>15        IN WITNESS WHEREOF, I have subscribed my name</p> <p>16 this _____ day of _____, 1999.</p> <p>17</p> <p>18</p> <p>19</p> <p>20 _____, CSR No. 7356</p> <p>21                                Anita Worthington</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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DECLARATION OF RAUL CARILLO

I, Raul Carillo, declare as follows:

1. I reside at Calle Ignacio Ramirez, #33, Modulo 1, Mesa De Otay, Tijuana, B.C. CP 22500.
2. From July 95 to April 97\* I worked at ULIM Corporation, located at Carlos Salinas De Gortari No. 3 Parque industrial presidentes, Tijuana, Mexico.
3. I was employed as an assistant manager to Soo Wan Park who was the production manager for ULIM.
4. During my employment at ULIM I observed a continuous pattern of abusive conduct, physical and mental, engaged in by the president of the company, Tai Jin Yoon, toward his employees. His behavior was particularly abusive toward the Korean managers and in particular, Mr. Park (my supervisor) and Soo Kang (the purchasing manager).
5. I observed on numerous occasions Mr. Park being hit by Mr. Yoon with the edge of a ruler. He would hit Mr. Park with the ruler all over his body, including his head. I also observed Mr. Yoon strike Mr. Kang and Mr. Suhko Ko (who was employed by ULIM as a production manager for a short time) in a similar fashion.
6. I observed Mr. Yoon throw objects at Mr. Park including telephones and ashtrays. Twice Mr. Yoon broke the telephone by hitting Mr. Park with it. I also observed on one occasion Mr. Yoon throw a crystal ashtray at Mr. Park which struck him on the forehead and caused him to bleed. I observed Mr. Yoon throw files and reports at Mr. Kang which would sometimes strike him in the face.
7. When Mr. Ko was fired, I observed Mr. Yoon approach him and hit him hard on the head because Mr. Ko had fallen asleep at his desk due to the long hours he was working. Mr. Ko was then

called into Mr. Yoon's office and was either fired or quit. I never saw him again.

8. I would frequently observe Mr. Yoon yelling at Mr. Park and Mr. Kang for hours on end. Sometimes he would yell at Mr. Park and Mr. Kang for 2-3 hours at a time. On these occasions, Mr. Park and Mr. Kang would be forced to stand at attention, put their hands behind their back and were forbidden to look Mr. Yoon in the eye. I am also aware of the fact that Mr. Yoon would frequently refer to Mr. Park and Mr. Kang in derogatory terms when he was yelling at them, specifically including telling them they were "assholes" and/or "sons of bitches".

9. I frequently observed Mr. Yoon, while he was yelling at Mr. Park or Mr. Kang, grab them by the ear and forcibly pull them into his office. This happened many times.

10. Mr. Park, Mr. Kang and Mr. Ko were forced to work usually 7 days a week. I usually worked 6 days a week due to both the work load and the fact that all the employees were required to work Saturdays to make up for the two weeks of vacation ULIM provided us at Christmas. During the last year, I was employed by ULIM, my hours were normally from 6:45 a.m. until 8:00 p.m. I was never paid overtime. When I would leave the office, Mr. Park, Mr. Ko and Mr. Kang would still be working. Additionally, I am aware that Mr. Park, Mr. Kang and Mr. Ko would normally work Sundays as well.

11. I also observed that Mr. Yoon would not allow the other Korean managers to eat lunch until he ate lunch as he did not like to eat alone. This frequently created problems for the managers because Mr. Yoon would frequently not come to work until 10:00 or 11:00 in the morning and so he would not be hungry until frequently 3:00 or 4:00 in the afternoon. However, as the other managers had been at work since 6:45 in the morning this would result in a substantial hardship.

12. The only Korean manager excluded from this abuse was the General Manager, Jae Ho Cho,

who was a personal friend of Mr. Yoon.

13. Although Mr. Yoon was not as abusive to the non-Korean employees, he was still verbally abusive. He would yell at me for hours at a time frequently using the same derogatory terms he would use when he was yelling and the Korean managers. The environment this created was one of extreme stress.

14. As a general manager, Mr. Yoon would use the office staff for any use he saw fit. There was no dividing line between Mr. Yoon's business concerns and his personal needs. On numerous occasions, I was asked as a Mexican, and therefore as a person who knew the area, to try to find prostitutes to consort with Mr. Yoon. Additionally, I was asked where medicines such as penicillin could be procured after such encounters. I also observed that Mr. Yoon would typically hire only attractive women with large breasts to be the office secretaries regardless of their qualifications. On one occasion, he hired a particular attractive woman with large breasts who did not even know how to type. On this occasion, he made us move her desk into his private office which had never been done before. Ultimately, I was terminated from ULIM after Mr. Yoon's father came into the shop and had grabbed two women's breasts who worked in the plant. When I informed Mr. Yoon that his father could not act that way I was told that I was never to tell him or his father what they could do. I shortly thereafter was told to wash his father's car in front of all the employees. When I refused I was terminated. I then made a complaint to the Mexican Labor Board, which ultimately was resolved in my favor.

15. I never observed Mr. Park, Mr. Kang or Mr. Ko take any action to instigate or provoke the physical and verbal abusive directed at them by Mr. Yoon.

*I declare under penalty of perjury under the laws of the State of California that the foregoing*

declaration is true and correct.

Dated: 9-15-98

Raul Carillo

A handwritten signature in black ink, appearing to be 'R. Carillo', written over a horizontal line.

\* Represented to Richard Gray after signature.



**LAW OFFICE OF RICHARD E. GREY**

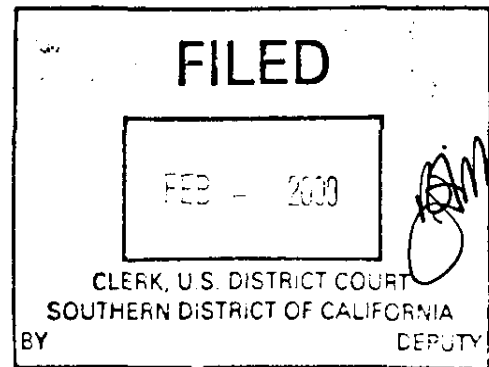
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**Attorney for Plaintiff SOO CHEOL KANG**



**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

**SOO CHEOL KANG**

**PLAINTIFF,**

**v.**

**U.LIM AMERICA, INC. a California  
corporation; TAE JIN YOON,  
and DOES 1 to 100**

**DEFENDANTS.**

**CASE NO. 99CV659JM (RBB)**

**EX PARTE APPLICATION FOR DISCOVERY  
SANCTION ADMITTING DECLARATION  
INTO EVIDENCE, OR IN THE  
ALTERNATIVE, FOR MODIFICATION  
OF CASE MANAGEMENT CONFERENCE  
ORDER REGULATING DISCOVERY  
RE: EXTENDING DISCOVERY  
CUTOFF AND STAYING PROCEEDINGS  
PENDING TAKING OF DEPOSITION OF  
MATERIAL WITNESS RAUL CARILLO  
and MOTION FOR SANCTIONS  
AGAINST DEFENDANT U.LIM AMERICA  
FOR OBSTRUCTING DISCOVERY**



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**TABLE OF AUTHORITIES**

**FEDERAL STATUTES**

Federal Rule of Evidence §801 . . . . . 16

**FEDERAL CASES**

*Campbell Industries v. M/V Gemini* (9th Cir.SD Cal 1980) 619 F.2d 24, 27 . . . . . 16

*Chambers v. NASCO, Inc.* 501 U.S. 32, 43 (1991). . . . . 15

*Link v. Wabash R. Co.*, 370 U.S. 626, 632 (1962). . . . . 15

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*Windigo Mills v. California Unemployment Appeals Board* (1979) 92 Cal.App.3d 586, 598 . . . . . 16

## I. CASE SUMMARY

This case is based upon Plaintiff's wrongful termination from employment by his employer, U.LIM AMERICA, INC. on or about February 2, 1998. Plaintiff worked at U.LIM AMERICA's Tijuana, Mexico facility from 1994 until his termination. During that time, Plaintiff was verbally abused and repeatedly physically struck by his supervisor, defendant TAE JIN YOON, vice-president of defendant U.LIM AMERICA. Plaintiff was also subjected to working oppressive hours (often in excess of 60 hours per week) without just compensation. Plaintiff suffered further abuses as detailed fully in the Complaint in this action. All of these acts against Plaintiff were motivated by the fact that Plaintiff is of Korean descent, and accordingly was expected to work harder and endure harsher conditions, physically and emotionally, than the non-Korean workers at U.LIM were not subjected to these oppressive schedules and physical violence.

Defendant U.LIM AMERICA asserts that Plaintiff's work hours were not excessive or oppressive, that Plaintiff was not verbally or physically assaulted in the course of his employment, and most importantly for the issues under consideration herein, that Plaintiff was not treated discriminatorily because of his national origins.

## II. PROCEDURAL BACKGROUND

This court issued its case management conference order regulating discovery on May 12, 1999. Therein, it was specified that all discovery proceedings must be concluded by January 17, 2000. Plaintiff moves herein for:

- a) A discovery sanction order under the inherent authority of this Court permitting the previously obtained Declaration of material witness RAUL CARILLO to be admitted into evidence as his direct testimony, or, in the alternative;
- b) An order extending the time for discovery to permit the deposition of CARILLO to be compelled via letters rogatory submitted to the central judicial authority of the Republic of Mexico, of which he is a citizen and resident, and for a stay in proceedings until this deposition may be taken. Plaintiff further requests sanctions against Defendant U.LIM AMERICA, INC. for the costs of this proceeding and the issuance of letters rogatory.

This request is based upon defendants' admission that they suborned the testimony of this key material witness, as detailed below.

### III. ARGUMENT

#### A. DEFENDANTS' HAVE ILLEGALLY INTIMIDATED A KEY MATERIAL WITNESS IN THESE PROCEEDINGS

##### 1. RAUL CARILLO is a Critical Material Witness in these Proceedings

Mr. Carillo was an employee of U.LIM Mexico from July of 1995 through April of 1997. U.LIM Mexico was and is wholly owned by U.LIM America and during the period of plaintiff's employment both companies shared the same facility. Virtually all of the employees of U.LIM Mexico were of Mexican origin whereas all the employees of U.LIM America were of Korean descent.<sup>1</sup> Mr. Carillo was an assistant manager of production and accordingly worked in the main office with Mr. Kang.

On or about September 15, 1998 Raul Carillo executed a declaration sworn under penalty of perjury which stated, in summary, that:

- a) He worked at U.LIM AMERICA, INC. from July of 1995 through April of 1997 and during that time;
- b) he had personally observed on numerous occasions TAE JIN YOON physically striking Plaintiff and other Korean employees with his hands and with various objects including metal rulers and ashtrays;
- c) he saw TAE JIN YOON strike one Korean manager, Mr. Park, with an ashtray on one occasion with such force that his forehead bled;
- d) he had frequently observed TAE JIN YOON screaming profanities and other derogatory comments at Korean employees, including Plaintiff, for long periods of time, sometimes 2-3 hours at a time;
- e) he saw Plaintiff working six and seven day workweeks, often past 8:00 p.m. in the evening;
- f) U.LIM required its employees to work Saturdays to make up for the two weeks of vacation U.LIM provided at Christmas;<sup>2</sup> and
- g) While TAE JIN YOON and his father, U.LIM's President KI HWA YOON, were not as abusive toward non-Korean employees, they were

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<sup>1</sup> U.LIM Mexico produced all the products sold by U.LIM America. Accordingly, all the production employees were employed by U.LIM Mexico. All managers, excluding assistant managers, were employed by U.LIM America which supervised all operations of both U.LIM Mexico and U.LIM America.

<sup>2</sup> Mexican labor law required U.Lim Mexico to provide its employees with two weeks vacation at Christmas [See, Excerpts from Deposition of U.Lim President KI HWA YOON (hereinafter YOON), attached hereto as EXHIBIT 1, at 120 and Excerpts from Deposition of U.Lim manager SOON WAN PARK (hereinafter PARK), attached hereto as EXHIBIT 2, at 275-276]



1 often verbally abusive to CARILLO and other Mexican employees, and  
2 were sexually abusive toward Mexican female employees.

3 See, Declaration of Raul Carillo, attached hereto as EXHIBIT 3

4 Accordingly, Mr. Carillo is a key witness in this litigation as he was in a position to observe the  
5 defendants' conduct towards the plaintiff and did indeed observe that conduct. His observations clearly  
6 support the plaintiff's allegations and contradict the defendants' denials of wrongdoing. Furthermore, as  
7 a non-Korean, he is in a more impartial position to have judged whether the Koreans were treated more  
8 unfairly than non-Korean employees. He admits that even non-Koreans were abused, but concedes that  
9 the Koreans were treated worse than non-Koreans. As such, his testimony is crucial to establishing  
10 Plaintiff's case.

11 **2. Mr. CARILLO had Previously Agreed to Voluntarily Submit to  
12 Examination by Oral Deposition**

13 At the time Mr. Carillo executed his declaration on September 15, 1998, he agreed to testify for  
14 the plaintiff on these matters and reassured both plaintiff and plaintiff's counsel that if a deposition was  
15 required that not only was he willing to testify as to the matters set forth in his declaration but that he felt  
16 that he had a moral duty to do so. [Declaration of Richard E. Grey at Paragraph 12] Accordingly, after  
17 the case was filed and preliminary discovery was conducted, CARILLO's deposition was scheduled for  
18 Saturday, October 23, 1999 at 10:00 a.m. at the Holiday Inn Caliente in Tijuana, Mexico. On October  
19 18, 1999, Plaintiff's counsel gave notice of this voluntary deposition to defendant's counsel, John  
20 Battenfeld. [Declaration of Richard E. Grey at Paragraph 13 and correspondence attached thereto as  
21 EXHIBIT 4] Plaintiff's counsel's office confirmed with Mr. Carillo on several occasions his agreement  
22 to appear at the deposition. [See, Declaration of Dawn M. Souder at Paragraphs 3-8]

23 Notably, in the absence of this voluntary agreement, Plaintiff would have been required to issue  
24 letters rogatory to the Mexican judicial authorities which, as the Court knows, often take months of time  
25 to issue and cost hundreds of dollars (e.g. \$445.00 is required just for the application to the State  
26 Department, etc.).

27 **3. Mr. CARILLO Failed to Attend his Deposition**

28 On Saturday, October 23, 1999 at 10:00 a.m., both Mr. Grey, Mr. Battenfeld and their respective  
clients appeared for the deposition. However, Mr. Carillo failed to attend.

1           **4. Mr. CARILLO told Plaintiff that he did not Appear For The**  
 2           **Deposition because he was told he would be Fired**

3           On or about Monday, October 25, 1999, Plaintiff spoke with Mr. Carillo regarding his non-  
 4 attendance.

5           A. He [Carillo] says that — first he said he has his family to think about.  
 6 Then he said one of the managers in his company threatened to fire if he  
 goes to the deposition.

7           Q. And did he tell you who the manager was?

8           A. He wouldn't say who the manager's name or who it was.

9           Q. What else did he say, if anything?

10          A. So I asked him, did — why would he say something like this to him?

11          Q. And what did Mr. Carillo say?

12          A. Carillo says someone from U.Lim had called to the company, influencing  
 13 that person si — in essence, if you are kind of person who goes against the  
 company, who testifies against the company, he is not a good employee  
 to keep, or something like that.

14 Deposition Excerpts from KANG Deposition (hereinafter KANG), attached as EXHIBIT 5, at 488, lines  
 15 1-17.

16          Q. Did Mr. Carillo tell you what caused him to believe that someone from  
 17 U.Lim had called the company?

18          A. He did not exactly explain the relationship between his manager or  
 19 U.Lim. Simply stated that he influenced the manager, so the manager  
 20 directly — I mean, I asked him twice the same question. And the answer  
 21 was manager specifically said not to go to the depositions. Otherwise, he  
 22 said he will fire Raul Carillo if he did.

23 KANG at 489, lines 12-21

24           Notably, CARILLO's present employer, J.V.C., INC., was a subsidiary of one of U.LIM's  
 25 customers, PANASONIC, INC. as admitted in the deposition testimony of U.LIM's General Manager, JAE  
 26 H. CHO. [See, Deposition Excerpts from CHO Deposition (hereinafter CHO) attached hereto as EXHIBIT  
 27 6, at 111, lines 5-15]. Additionally, KI HWA YOON admitted in his deposition that he personally knew  
 28 the officers and directors of PANASONIC, INC. [See, YOON at 97, lines 11-16].

1           **5. Plaintiff attempted to find alternate employment for Mr. Carillo so that he would be**  
 2           **free to testify.**

3           Mr. Kang later inquired with Mr. Carillo that if he helped him find another job would he be able  
 4 to testify. Mr. Carillo indicated "yes". Thereafter, Mr. Kang attempted to locate a position for Mr.  
 5 Carillo and did attempt to secure a potential position for Mr. Carillo at a number of Mexican companies.

1 However, Mr. Carillo was not interested in the position as it was with a much smaller company than JVC  
2 and accordingly no alternate employment could be secured for Mr. Carillo. These facts were freely  
3 admitted by Mr. Kang in his deposition. (See, KANG at 490-499, and 502-506)

4           **6. Based on the Testimony of Defendants' General Manager, JAE H. CHO, and the other Deponents in this Action, U.LIM has Engaged in**  
5           **Illegal Witness Intimidation by Threatening Mr. CARILLO with**  
6           **Termination Should he Testify in this Matter.**

7           Under 18 U.S.C. §1512, the intimidation or harassment of a witness to prevent his giving  
8 deposition testimony is a federal felony punishable by ten or more years in prison. Nevertheless, U.LIM  
9 has used its influence with Mr. CARILLO's present employer, JVC, Inc., to have him threatened with  
10 termination should he testify in this matter. As a result, Mr. CARILLO refused to appear for his  
11 deposition.

12           On January 6, 2000, Plaintiff took the deposition of U.LIM's general manager, JAE H. CHO.<sup>3</sup> In  
13 a line of questioning seeking U.LIM's communications with Mr. Carillo, CHO, admitted speaking to Mr.  
14 Carillo shortly before his scheduled deposition (approximately 2 weeks). The following are excerpts from  
15 his testimony, which taken in conjunction with the testimony of the other witnesses, clearly shows a pattern  
16 of deceit and witness tampering.

17           **a. CHO Admits he Spoke with CARILLO Prior to his**  
18           **Scheduled Deposition and Asked Him Not to Testify**

19           Q. And what caused you to speak with him [Carillo] before the deposition?

20           A. I think I got a call from him. He was telling me about the [instant] case.

21           Q. Why would he call you to tell you about the case?

22           A. He called me to — I guess he was concerned. I don't know. Cause Raul  
23 and I didn't have any bad relations when we were working together.

24           Maybe he was concerned, and he called me up and told me what was going  
25 on.

26           Q. And what did he tell you?

27           A. That he was — he talked to Mr. Kang and something about Kang was  
28 supposed — Kang asked Raul to help him. Kang had offered him a job or  
money, I think. I can't remember exactly what he said, but something like  
that.

Q. Is this before his deposition?

A. Before, yes.

---

<sup>3</sup> Plaintiff has been unable to submit this ex parte application until this date because Plaintiff did not receive the transcript of Mr. CHO's deposition until Friday, January 21, 2000.

1 Q. Did you talk about the upcoming deposition?  
2 A. Yes, I met with him.

3 CHO, at 108, line 16 - 109, line 12.

4 Q. How many approximate days before the deposition?  
5 A. Maybe two weeks. Two to three weeks.

6 CHO, at 110, lines 2-4.

7 Q. Did he tell you whether or not he was planning to testify for Mr. Kang?  
8 A. He had mentioned that.

9 CHO, at 111, line 9-11.

10 Q. Did you ever ask Mr. Carillo not to testify?  
11 A. Not to testify?  
12 Q. Not to testify?  
13 A. I think I said as a friend -- I would like as a friend -- as a friend if you are not  
14 involved. I would appreciate it, or something like that I said.  
15 Q. If you would not testify?  
16 A. I did not say testify? I said if you are not involved.  
17 Q. So as a friend you would appreciate it if he would not be involved?  
18 A. Yeah.

19 CHO, at 114, line 1-14.

20 In fact, however, the later inconsistencies and illogical claims of his testimony make it quite clear  
21 that Mr. Carillo refused to appear for fear of losing his job, not from "friendship."

22 **b. CHO's Claim that CARILLO Contacted Him Only**  
23 **Because Plaintiff had tried to Bribe Him Is a Clear Lie**

24 CHO claims that CARILLO initiated the contact with CHO some two weeks before his deposition,  
25 because "maybe" CARILLO was concerned that Plaintiff was trying to offer him a "job or money":

26 Q. Why would he call you to tell you about the case?  
27 A. He called me to — I guess he was concerned. I don't know. Cause Raul  
28 and I didn't have any bad relations when we were working together.  
Maybe he was concerned, and he called me up and told me what was going  
on.

29 Q. And what did he tell you?  
30 A. That he was — he talked to Mr. Kang and something about Kang was  
supposed — Kang asked Raul to help him. Kang had offered him a job or  
money, I think. I can't remember exactly what he said but something like  
that.

31 Q. Is this before his deposition?  
32 A. Before, yes.

33 CHO at 109, lines 2-7

1           If Mr. CARILLO had really stated that Plaintiff had attempted to bribe his testimony via a  
2 job offer or money, why didn't U.LIM immediately seek Mr. Carillo's testimony rather than ask him  
3 not to testify at all? It flies in the face of all reason to believe that any litigant would willingly pass  
4 up the opportunity to prove that their opponent had attempted to bribe a witness. If proven, *the case*  
5 *is effectively over*, yet U.Lim asked Mr. Carillo *not* to testify.

6           The so-called reasons for this call are clearly untrue. Plaintiff's counsel had already obtained a  
7 declaration from Mr. Carillo 12 months before. As such, there was no reason to bribe him prior to his  
8 deposition since the witness was already committed to the key testimony set forth in the declaration.  
9 Additionally, there was no reason to obtain alternate employment for Mr. Carillo prior to the deposition  
10 since the plaintiff did not become aware of the threat to fire Mr. Carillo until after he spoke with Mr.  
11 Carillo and asked him why he did not appear. Notably, Mr. Kang revealed these facts in his deposition,  
12 as stated above. CHO was present during this testimony and accordingly was aware of this issue prior to  
13 CHO's own deposition.

14           What is evident from CHO's testimony is that he is attempting to manufacture a reason for Mr.  
15 Carillo contacting him which will place the plaintiff in a bad light. However, Mr. Carillo could not have  
16 mentioned Mr. Kang finding him a job before the deposition as these efforts did not take place until *after*  
17 the scheduled deposition and *after* Mr. Carillo told Mr. Kang that he did not appear for his deposition  
18 because his supervisor told him he would be fired.<sup>4</sup> Additionally, if the plaintiff was bribing Mr. Carillo,  
19 as CHO infers, the time for that was before plaintiff's counsel obtained his declaration some 12 months  
20 before. Obviously, there is no reason to bribe a witness who has already committed to the key  
21 testimony via his declaration.

22           The falseness of this testimony is further supported by what CHO does not say. If plaintiff was  
23 bribing Mr. Carillo where is CHO's outrage? He is the general manager of U.LIM America and U.LIM's  
24 designated representative in this action. He would be hanging on every word. Like the plaintiff, he would

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25  
26           <sup>4</sup> As the plaintiff noticed the deposition, he obviously anticipated he would appear for it.  
27 This is self-evident and emphasized by the significant expense incurred in hiring the court reporter and  
28 leasing a hotel room in Tijuana. Obviously, Mr. Kang's efforts to secure alternate employment only make  
sense if they occurred after the deposition when he spoke with Mr. Carillo as to why he did not attend.

1 immediately be seeking to secure Mr. Carillo's testimony. Despite this fact, CHO's memory about this  
2 bribery allegation is extremely hazy.

3 "Maybe he was concerned" and  
4 "I can't remember exactly what he said but something like that."

5 CHO at 109, lines 2-7

6 There is only one reasonable explanation for CHO's testimony, and that is that CHO was trying  
7 to cover up for the real purpose of the call (i.e. to suborn Mr. Carillo's testimony) by incorporating Mr.  
8 Kang's testimony regarding subsequent events. However, CHO neglected to consider the chronology and  
9 impossibility of his statements in the heat of the moment. This manufactured testimony also explains  
10 CHO's hazy recollection of statements, which due to their import, would have been clearly etched into his  
11 memory if they were in fact uttered by Mr. Carillo. They were not.

12 **c. CHO Admits that he Called CARILLO to "Thank  
13 Him" for not Testifying After the Scheduled  
14 Deposition**

15 Q. You did talk to him after the deposition?

16 A. Yes.

17 Q. When was that?

18 A. Maybe two days after that. Something like that.

19 CHO at 115, lines 4-8

20 Q. And why did you call him?

21 A. Why did I call him? I was curious. I'm pretty sure you guys were  
22 curious why he didn't show up. I was curious why he didn't show up  
23 either.

24 Q. Well, you asked him not to be involved.

25 A. Excuse me?

26 Q. You had asked him as a friend not to be involved.

27 A. I did say that, yes.<sup>5</sup>

28 \* \* \* \* \*

Q. Did you call Mr. Raul (Carillo) after the deposition to thank him for not appearing at the

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<sup>5</sup> This entire exchange is questionable. Why would CHO be curious as to why CARILLO did not show up when he had asked him not to some two to three weeks prior? In addition, "I did say that" is an odd way of stating that something actually happened, particularly when this follows the prior statement as to his "curiosity" What is clear from this testimony is that CHO is reluctantly testifying to these events.



1 deposition?

A. I guess you could say that.

2

Mr. Battenfeld: No. Only adopt that if that's what you said. If you didn't say that, then that's not your testimony.

3

4 Q. Did you or didn't you, Mr. Cho, call him to say thank you for not appearing?

A. Yes, I did.

5

CHO at 116, lines 1-24 (in pertinent part)

6

**d. CHO Admits that CARILLO Specifically told CHO that he "Liked His Job" and Testifying Would Jeopardize His Job**

7

8

Despite CHO's attempts to infer that the plaintiff is suborning a witness, CHO gives credibility to

9

Mr. Kang's statement that Mr. Carillo was threatened with being fired if he attended the deposition.

10

Q. And in this conversation did he indicate why he had not shown up to the deposition?

11

A. He had indicated to me that he doesn't want to be involved and he likes his job. I don't know why he would tell me that he likes his job. He doesn't want to be involved. He doesn't like to get in problems with his manager. Things like that. He said that to me.

12

13

CHO, at 115, line 18-25.

14

Why would Mr. CARILLO mention that "he likes his job" in the context of that conversation if his job had not been threatened? Why would giving testimony result in "problems with his manager"? How did his manager even know he was testifying at all?

15

16

17

Notably, as previously stated, in the deposition of U.LIM's president, KI HWA YOON, YOON admitted that he personally knows the directors of JVC's parent corporation, PANASONIC, and that PANASONIC is a customer of U.LIM.

18

19

20

**e. CHO's Responses as to his Meeting with CARILLO are Inconsistent and Evasive.**

21

22

**i. What Was Said at the Meeting**

23

Q. So what did Mr. Carillo tell you specifically at this meeting?

24

A. The same thing he told me over the phone about Kang offering him a job and things like that.

25

Q. He didn't talk at all about Kang's allegation?

26

A. Well, first we talked about how he was doing, how I was doing. We talked about our past, and we hardly went into the case. He didn't want to — he was — he was too busy with his work, and he didn't want to be bothered by Mr. Kang.

27

28

Q. Did he tell you he had signed a declaration?

1 A. No, he did not.

2 Q. Did he talk to you about any specific allegation about whether or not Tae  
Jin Yoon had struck Mr. Kang at any time?

3 A. No.

4 Q. Did you ask him whether or not he had seen any of that?

5 A. No, I did not.

6 Q. You weren't curious if he testified that he had seen such action?

7 A. No. Cause I don't think that was mentioned, no. I don't know what the  
— what his deposition was about, you know.

8 Q. So it is your testimony, then, the only thing you can recall from that  
conversation is he talked to you about the fact Mr. Kang supposedly was  
offering him money and/or a job to testify?

9 A. Well, he said he was going to take care of it after the trial, something like  
that.

10 Q. And no other specifics about what he was going to testify to?

11 A. Something about why he quit the company, things like that.

12 CHO at 112, line 13 - 113, line 25 (emphasis added)

13 Q. How long did this meeting last?

14 A. Maybe a total of an hour. We ate and talked.

15 CHO at 130, lines 1-3

16 It is ridiculous to assume that CHO would meet with CARILLO for an hour to discuss his not  
17 appearing for deposition without having discussed what it was he was to testify to. According to CHO,  
18 he did not even discuss CARILLO's testimony with him to the point where CHO could determine whether  
19 the testimony would actually be advantageous for U.LIM or not. This simply does not make sense.

20 **ii. Who was at the Meeting**

21 Furthermore, the testimony of CHO and that of U.Lim manager SOON WAN PARK are  
22 inconsistent as to who was present at this meeting. CHO first says that no one else went with him to the  
23 meeting (CHO at 111, lines 7-8) and then, after consulting with his attorney (CHO at 120, line 19 - 121,  
24 line 6), he states that SOON WAN PARK was present at the meeting (CHO at 121, lines 24-25). Notably,  
25 after having conferred with counsel, CHO suddenly developed a very detailed recollection of PARK's  
attendance:

26 Q. What did Mr. Park ask Mr. Carillo at this meeting?

27 A. He didn't say much because he doesn't speak English that well, so I did  
28 most of the talking.

1 Q. Why did Mr. Park go down with you to Mexico?

2 A. Well, he is in Mexico. We work there. And why did he go to the dinner?

3 Q. Why did you go to this meeting together with Mr. Park?

4 A. Mr. Park wanted to attend because, like I said, we are all friends -- not friends, but associates. We work together. So Mr. Park wanted to see Raul, so he tagged along.

5 However, SOON WAN PARK was extensively questioned by Plaintiff's counsel as to every  
6 person with whom he had met with regarding this case and made no mention of this meeting, despite the  
7 fact that they had specifically asked this witness not to testify in this litigation.<sup>6</sup>

8 **f. CHO's Testimony as to CARILLO's "Friendship"**  
9 **with CHO and PARK is Particularly Dubious Given**  
10 **that CARILLO was Fired by U.LIM after**  
11 **Complaining About Sexual Harassment at U.LIM**

12 As previously stated, CHO makes much of the ostensible friendship between himself, PARK and  
13 CARILLO, using this supposed friendship to explain the motives of all three persons in his implausible  
14 scenario. This is rather hard to believe considering that, after CARILLO had complained to U.LIM  
15 President KI HWA YOON about KI HWA YOON's sexual harassment of Mexican workers, he was  
16 constructively terminated from U.LIM and successfully brought a Mexican labor board action against  
17 U.LIM:

18 Ultimately, I was terminated from ULIM after Mr. Yoon's father came into the shop and  
19 had grabbed two womens' breasts who worked in the plant. When I informed Mr. Yoon that  
20 his father could not act that way I was told that I was never to tell him or his father what  
21 they could do. I shortly thereafter was told to wash his father's car in front of all the  
22 employees. When I refused I was terminated. I then made a complaint to the Mexican  
23 Labor Board, which ultimately was resolved in my favor.

24 Declaration of CARILLO [EXHIBIT 3] at Page 3, Paragraph 14.

25 We are supposed to believe that a man who had been constructively terminated from a company  
26 after observing the sexual harassment and other abusive actions of U.LIM's officers and managers alleged  
27 in his declaration is still "friends" with CHO and PARK? Is it plausible that a man who successfully took  
28 U.LIM to the Labor Board would still be considered a "friend" by U.LIM's managers? It is simply  
unbelievable that these persons would be "friends" to the extent where they would go out of their way to  
socialize with each other.

6 28 See, PARK at Page 88, lines 1-22

1 One must also ask why CARILLO would have sworn to this declaration and agreed to voluntarily  
2 testify against his "friends", if in fact that is what they were?

3 Furthermore, CHO admitted earlier in his deposition that he didn't even know CARILLO well:

4 Q Do you know how long he [Carillo] worked for U. Lim?

5 A Approximately a year I guess. No guessing.

6 MR. BATTENFELD: Don't guess.

7 BY MR. GREY:

8 Q Did you know him well?

9 A Yes. I mean not well. We were working associates.

10 CHO 106, lines 9-17

11 Yet, despite the fact that they did not know each other well, CHO would have us believe that,  
12 despite having given highly damaging sworn testimony against U.LIM, CARILLO would fail to attend his  
13 deposition because of their "friendship." Moreover, Mr. Carillo's curious words to CHO after the  
14 deposition, "I like my job" and "I don't like getting in problems with my manager", are hardly the words  
15 of a friend agreeing not to testify to help them out.<sup>7</sup> Obviously, this supposed "friendship" is nothing more  
16 than a smokescreen to cover the fact that U.LIM intimidated, threatened and harassed this witness

17 **7. U.LIM's Witness Tampering is Further Established by the Testimony**  
18 **of Plaintiff's Other Witnesses**

19 **a. Plaintiff's Other Witness, Mr. BAEK and Mr.**  
20 **CHEONG, Appeared for Deposition and Substantiated**  
21 **Allegations Similar to Those Made by Mr. CARILLO**

22 The allegations made by CARILLO in his declaration have been substantiated by other witnesses,  
23 including TEDDY BAEK, a Korean former co-worker of Plaintiff, whose testimony was likewise secured  
24 by a declaration signed under penalty of perjury and who willingly gave his deposition testimony pursuant  
25 to subpoena on November 10, 1999, fully substantiating under cross-examination the contentions set forth  
26 in his declaration. [See, Declaration of Teddy Baek - EXHIBIT 7] Given that Mr. Baek held a position  
27 with a company with which defendants apparently had no influence, they were unable to suborn his  
28 testimony.

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28 <sup>7</sup> Edited for "first person" phrasing. Cho at 115, ln 18-25.

b. **Plaintiff's Witness BOWON CHEONG has Testified that U.LIM has Instructed Witnesses to Lie In Discovery**

BOWON CHEONG, another former co-worker of Plaintiff, who has brought his own suit against U.LIM has testified in deposition that, subsequent to Plaintiff's filing suit, U.LIM held a strategy session wherein U.LIM's president instructed a witness to lie in discovery:

A. Initially, we had a meeting regarding the lawsuit filed with Cho, Park, Y.S. Youn, and Ki Hwa Yoon. That's the boss.

Q. Okay

A. So we all got together in the meeting room to find out what happened. So we talked about it.

Q. Do you remember what was discussed?

A. I don't remember all the discussion, but I remember one thing. Ki Hwa Yoon asked a question regarding an incident where Mr. Kang threw a battery to Mr. Cho. He said "Who had seen that?" After Mr. Kang left, Y.S. Youn, the second son [of Ki Hwa Yoon], started working there. And Ki Hwa Yoon asked his second son, Y.S. Youn, whether or not his second son had seen Mr. Kang throw a battery to Mr. Cho. Y.S. Youn could not have seen it, because at that time Y.S. Youn was not working at the company. Then Y.S. Youn replied "Sir, I did not see." And Ki Hwa Yoon told his son, "Listen, tell you saw it." Regardless of amount of lawsuit, whether \$100,000 or a million dollars, do not leave Mr. Kang alone." With an exception of that, "He is a U.S. citizen, he's not nothing to brag about. That guy has nothing to show other people."

Deposition of BOWON CHEONG (hereinafter CHEONG), attached hereto as EXHIBIT 8, at 56, line 12 through 57, line 8 [emphasis added]

Thus it is established that U.LIM has indeed instructed its employees to lie in discovery. This strongly suggests that they have indeed indulged in other forms of evidence tampering, including the conduct complained of herein.

8. **Defense Counsel has Shown no Concern over his clients Admitted Interference with the Deposition of Mr. Carillo.**

At the scheduled deposition of Mr. Carillo, Mr. Grey met Mr. Battenfeld and Mr. Cho in the lobby of the Hotel and informed them that Mr. Carillo had told us, via his mother, that he would not be attending the deposition. Mr. Battenfeld chuckled and said that he and Mr. Cho were betting on the way down whether or not Mr. Carillo would attend. He then informed Plaintiff's counsel that he would be sending him a letter requesting reimbursement of his expenses associated with the deposition for Mr. Carillo's non-attendance.

[See, Declaration of Richard Grey at Paragraph 16]

On December 14, 1999 at the conclusion of Mr. Park's deposition, Mr. Battenfeld inquired whether or not the Plaintiff would pay his fees associated with Mr. Carillo's deposition. He noted that if he was forced to bring a motion, the fees would be substantially greater. Plaintiff's counsel informed him that Plaintiff did not intend to pay his fees because we believed that U.LIM was behind his failure to appear. At that time, Plaintiff's counsel cautioned Mr. Battenfeld about bringing such a motion by saying that "I would not want to be you if you bring that motion and we are able to prove that it is true." Mr. Battenfeld responded that *"that has nothing to do with me and my fees."* Plaintiff's counsel told him that he strongly disagreed and left the conference room. [See, Declaration of Richard Grey at Paragraph 18].

At Mr. Cho's deposition, when it became apparent that his client had obtained Mr. Carillo's non-attendance, Mr. Battenfeld indicated that his client did nothing wrong, that his actions did not in any way effect his right to sanctions for Mr. Carillo's non-appearance, and that it was still plaintiff's counsel's fault that he did not appear for not subpoenaing him. CHO at 119, line 18 through 120, line 5

**B. DEFENDANT'S TAMPERING WITH THIS WITNESS WARRANTS THE IMPOSITION OF DISCOVERY ISSUE SANCTIONS OR A STAY IN PROCEEDINGS TO ALLOW FOR THE ISSUANCE OF LETTERS ROGATORY COMPELLING CARILLO'S DEPOSITION**

The aforementioned deposition testimony and declarations clearly show that U.LIM has illegally intimidated CARILLO into avoiding testimony for fear of being fired from his job. Mr. CARILLO is a key material witness herein. Accordingly, Plaintiff has two basic alternatives to avoid further prejudice to his case:

- a) The Court may order that the Declaration of Raul Carillo be submitted as his deposition testimony, without objection by Defendants; or
- b) That the Court modify its pretrial scheduling order to allow for the issuance of letters rogatory and stay these proceedings pending the taking of CARILLO's deposition.

**1. Plaintiff Should Be Entitled to Submit the Declaration as the Sworn Testimony of Carillo, Without Objection by Defendants**

Notably, given his duressed state of mind, it is hardly guaranteed that Mr. CARILLO will be brave enough to substantiate the sworn statements of his declaration in deposition even should it be compelled. Furthermore, as noted above, deposition through letters rogatory will place this Court somewhat at the



1 mercy of the schedule of the courts of the Republic of Mexico, which may result in substantial delay in  
2 these proceedings.

3 Accordingly, Plaintiff proposes that the most economical solution in terms of both time and money  
4 is that the Declaration of Raul Carillo be admitted into evidence as the sworn deposition testimony of Mr.  
5 CARILLO as the Defendants deprived themselves of the right to cross examination. Notably, they were  
6 wholly unconcerned about there right to cross-examine the witness but rather sought to deprive the  
7 plaintiff, the court and the jury of his testimony completely. Admitting the declaration would allow the  
8 defendants to reap what they have sown and correct the injustice they are attempting to perpetrate on the  
9 plaintiff and the court.

10 **a. The Court has the Inherent Authority to Issue a**  
11 **Discovery Sanction Order Admitting CARILLO's**  
**Declaration into Evidence**

12 The Federal Courts possess the implied authority to issue such orders as are necessary to sanction  
13 the abuse of the discovery process, in recognition of the necessity of these powers to the orderly  
14 administration of justice:

15 It has long been understood that "[c]ertain implied powers must necessarily result to our  
16 Courts of justice from the nature of their institution," powers "which cannot be dispensed  
17 with in a Court, because they are necessary to the exercise of all others." [citation]. For this  
18 reason, "Courts of justice are universally acknowledged to be vested, by their very creation,  
19 with power to impose silence, respect, and decorum, in their presence, and submission to  
20 their lawful mandates." [citation]. These powers are "governed not by rule or statute but by  
21 the control necessarily vested in courts to manage their own affairs so as to achieve the  
22 orderly and expeditious disposition of cases."

23 *Chambers v. NASCO, Inc.* 501 U.S. 32, 43 (1991).

24 This power extends to the outright dismissal of an action should the Court find that severe sanction  
25 to be warranted.

26 "The authority of a federal trial court to dismiss a plaintiff's action with prejudice because  
27 of his failure to prosecute cannot seriously be doubted. The power to invoke this sanction  
28 is necessary in order to prevent undue delays in the disposition of pending cases and to  
avoid congestion in the calendars of the District Courts. The power is of ancient origin,  
having its roots in judgments of nonsuit and non prosequitur entered at common law,  
[citation], and dismissals for want of prosecution of bills in equity [citation].

29 *Link v. Wabash R. Co.*, 370 U.S. 626, 632 (1962)

30 Accordingly, the Supreme Court and, subsequently, the Courts of Appeal have noted that this near-  
absolute inherent authority impliedly grants the Courts the authority to issue a broad range of lesser

sanctions, including the imposition of attorney's fee sanctions (*Roadway Express, Inc. v. Piper* 447 U.S. 752, 765 (1980)) or the exclusion of percipient or expert witness testimony (*Campbell Industries v. M/V Gemini* (9th Cir. SD Cal. 1980) 619 F.2d 24, 27).

**b. Admitting CARILLO's Declaration into Evidence is the Most Economical Means to Remedy Defendants' Abuse of Discovery**

Given the impending trial date in this action and the considerable delay which issuance of letters rogatory would create, the simplest means to remedy the defendants' wrongful conduct is to admit the declaration into evidence as CARILLO's sworn deposition testimony, without objection from defendants.

**c. Defendants' Own Conduct Has Forestalled Their Opportunity To Cross-Examine CARILLO re: his Declaration, Which Could Otherwise Be Considered Hearsay**

Declarations are typically inadmissible as direct evidence due to Federal Rule of Evidence §801 regarding hearsay. Notably, however, that Rule states:

(d) Statements which are not hearsay. A statement is not hearsay if--

(1) Prior statement by witness. **The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement,** and the statement is (A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving the person;

Federal Rule of Evidence §801 [emphasis added]

The general rule in civil actions is that absent statutory authorization, stipulation of the parties, or a waiver by failure to object, an affidavit [citation] or a declaration under penalty of perjury [citation] is not competent evidence; it is hearsay because it is prepared without the opportunity to cross-examine the affiant.

*Windigo Mills v. California Unemployment Appeals Board* (1979) 92 Cal.App.3d 586, 598

Defendants herein have deliberately prevented their own opportunity to obtain direct testimony and cross-examine this witness. Therefore, their own conduct warrants the admission of the declaration as direct testimony.

**2. In The Alternative, Plaintiff Is Entitled to an Order For Issuance of Letters Rogatory And Sanctions For The Costs Thereof**

Given the clearly illicit conduct of defendants in suborning the testimony of Mr. CARILLO and

its understandably chilling effect on Mr. CARILLO's willingness to testify in this case, Plaintiff has no choice but to compel Mr. CARILLO's appearance for deposition. This will necessitate the issuance of letters rogatory to the central judicial authority of the Republic of Mexico. The U.S. State Department's processing fees to simply issue such letters alone currently totals \$445.00 (See Schedule of Fees, EXHIBIT 9). As Plaintiff had attempted to avoid incurring such costs and was forced to do so only by Defendant's subornation, equity demands that those costs be transferred to Defendants by way of discovery sanctions under the Court's aforementioned authority for Defendant's role in obstructing discovery proceedings in bad faith.

**a. Mr. CARILLO will not Submit to Deposition Absent Compulsion Subsequent to Defendants' Having Threatened his Job**

As noted above, CARILLO indicated he would not appear for the depositions because he was afraid he would be fired. Accordingly, absent being compelled by Mexican authorities, Plaintiff is informed and believes that there is now no chance that Mr. CARILLO will attend his deposition absent such an order.

**b. A Stay of Proceedings is Warranted to Permit the Taking of CARILLO's Deposition.**

As Mr. CARILLO is a key material witness for the prosecution of Plaintiff's claims, the case cannot proceed to trial absent securing his testimony without considerably prejudicing the case. As it may take some weeks to secure the issuance and service of the letters rogatory by the Mexican authorities, Plaintiff respectfully submits that a stay in proceedings is warranted until this deposition may be taken, in light of the defendants conduct. The Defendants should not be allowed to suborn the testimony of a witness and then hide behind discovery and pre-trial deadlines.

**C. PLAINTIFF IS ALSO ENTITLED TO MONETARY SANCTIONS AGAINST U.LIM UNDER THE COURT'S INHERENT AUTHORITY TO SANCTION DISCOVERY MISCONDUCT**

The issuance of letters rogatory is an expensive and time-consuming process, with fees running into the multiple hundreds of dollars. Accordingly, as it is only due to the conduct of defendants that Plaintiff has been forced to seek this remedy, Plaintiff requests that sanctions in an amount appropriate to compensate Plaintiff for the attorneys' fees and costs incurred in securing this testimony be awarded against

U.LIM and that sanctions also be awarded plaintiff for the time and expense of bringing the instant motion and for plaintiff's expenses associated with the failed deposition of Mr. Carillo, due to the intentional and serious wrongful conduct of the defendants.

The Plaintiff has incurred the following costs due to CARILLO's non-attendance and U.Lim's efforts to suborn his testimony.

Costs Associated with CARILLO's non-attendance

1.	Hotel Room for Deposition	\$ 115.00
2.	Mileage and Mexican Car Insurance	\$ 55.10
3.	Court Reporter No Show fee	\$ 200.00
4.	Attorney's time in attending the deposition and seeking to locate CARILLO on the day of the deposition. (6.2 Hours)	
	Attorney's normal hourly rate is \$185.00.	\$ 1,147.00

Sub-Total \$ 1,517.10

Costs Associated with Bringing this Motion

1.	Attorney's time in preparing the instant motion. (8.0 Hours)	\$ 1,480.00
2.	Paralegal time in preparing the instant motion. (22.6 Hours) Paralegal hourly rate is \$45.00	\$ 1,017.00

Sub-Total \$ 2,497.00

Notably, Mr. Battenfeld was seeking that Plaintiff reimburse his clients \$1,320.00 in attorney fees at the rate of \$300.00 per hour for CARILLO's non-attendance. [Correspondence of John Battenfeld dated December 2, 1999 - EXHIBIT 10] Needless to say, due to his client's admitted interference with the deposition, Mr. Battenfeld did not bring his threatened motion. For all the aforementioned reasons, Plaintiff seeks an award of sanctions in the amount of \$4,014.10 and an order of the court that Defendants reimburse Plaintiff for those expenses incurred in relation to issuing the Letters Rogatory.

#### IV. CONCLUSION

Based upon U.LIM's clearly established intimidation of a key material witness to this action, Plaintiff respectfully requests that this Court issue either:

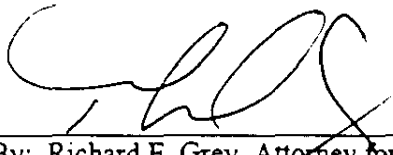
- a) A discovery sanction order under the inherent authority of this Court permitting the previously obtained Declaration of material witness RAUL

CARILLO to be admitted into evidence as his direct testimony; or, in the alternative;

- b) An order extending the time for discovery to permit the deposition of CARILLO to be compelled via letters rogatory submitted to the central judicial authority of the Republic of Mexico, of which he is a citizen and resident, and for a stay in proceedings until this deposition may be taken.
- c) Plaintiff further requests sanctions against Defendant U.LIM AMERICA, INC. for the costs of CARILLO's non-attendance, the costs of this proceeding and all costs incurred in compelling CARILLO's testimony including those for the issuance of letters rogatory; or
- d) Such other order as the Court finds reasonable and appropriate under the circumstances.

LAW OFFICE OF RICHARD E. GREY

Dated: 2/3/00

  
By: Richard E. Grey, Attorney for Plaintiff



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SOO CHEOL KANG, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 99CV659JM (RBB)  
 )  
 U. LIM AMERICA, INC., et al., )  
 )  
 Defendants. )  
 )

DEPOSITION OF BO WON CHEONG

January 10, 2000

INGRID J. VILLA  
CSR 11960  
62011

**BARKLEY**  
Court Reporters & Transcriptions

Los Angeles	Irvine	Burlingame	Woodland Hills	Riverside	San Diego	Palm Springs	San Francisco
[310] 207.8000	[949] 955.0400	[650] 340.8100	[818] 702.0202	[909] 686.0606	[619] 455.5444	[760] 322.2240	[415] 433.3367



1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3  
4

5 SOO CHEOL KANG, )  
6 Plaintiff, )  
7 v. )  
8 U. LIM AMERICA, INC., TAE )  
9 JIN YOON, an individual; and )  
DOES 1 to 100, )  
10 Defendants. )  
-----

No. 99CV659JM (RBB)

11  
12  
13  
14  
15 Deposition of BO WON CHEONG, taken on  
16 behalf of the Defendants, at 300 South  
17 Grand Avenue, 22nd Floor, Los Angeles,  
18 California 90071, commencing at 10:00 a.m.,  
19 Monday, January 10, 2000, before Ingrid J.  
20 Villa, Certified Shorthand Reporter No.  
21 11960.  
22  
23  
24  
25

A P P E A R A N C E S:

For Plaintiff:

RICHARD E. GREY, ESQ.  
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409 Camino Del Rio South  
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San Diego, California 92108  
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For Defendants:

MELISSA M. MULKEY, ESQ.  
ATTORNEY AT LAW  
MORGAN, LEWIS & BOCKIUS  
COUNSELORS AT LAW  
300 South Grand Avenue  
22nd Floor  
Los Angeles, California 90071  
(213) 612-1082

ALSO PRESENT:

DANIEL B. KIM, J.D., INTERPRETER  
SOO CHEOL KANG

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I N D E X

DEPONENT	EXAMINED BY	PAGE
BO WON CHEONG	MRS. MULKEY	6

EXHIBITS FOR IDENTIFICATION

NONE

1 LOS ANGELES, CALIFORNIA

2 MONDAY, JANUARY 10, 2000; 10:00 A.M.

3  
4 (Prior to going on the record, the parties  
5 stipulated to waive the provisions of Rule  
6 30(b)(4), except for the swearing of the witness.)

7 DANIEL B. KIM, J.D.,

8  
9 interpreter, was sworn as follows:

10  
11 DEPOSITION OFFICER: Do you solemnly swear that  
12 you will accurately translate English into Korean and  
13 Korean into English, to the best of your ability in this  
14 matter, so help you God?

15 MR. KIM: I do.

16  
17 BO WON CHEONG,

18 deponent, was sworn and examined and  
19 testified through the interpreter as follows:

20  
21 DEPOSITION OFFICER: Do you solemnly swear that  
22 the testimony that you are about to give in this matter  
23 pending shall be the truth, the whole truth, and nothing  
24 but the truth, so help you God?

25 MR. CHEONG: Yes.

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EXAMINATION

BY MRS. MULKEY:

Q Okay. Hi, Mr. Cheong. My name is  
Melissa Mulkey. I'm an attorney representing U. Lim  
Corporation in the lawsuit that was filed by Mr. Kang  
against U. Lim.

To start out the deposition, we're going to  
go through some of the interpreter's qualifications for  
the record, just so that we can have that established on  
the record.

INTERPRETER: This is highly unusual.

MR. GREY: Well, we've done this on every  
deposition.

INTERPRETER: I think my card speaks for itself,  
Counsel.

MRS. MULKEY: Can you go through, basically, how  
long you've been doing the interpreting, and who you have  
been doing that for?

INTERPRETER: This is highly unusual, Counsel,  
because I'm not a party to this case; I'm not for this  
case or to this case. As my business card indicates, I'm  
certified with the State of California. I've  
been -- never been asked this question by any counsel.

MR. GREY: We've had several depositions in this  
case and with the exclusion of two of them, we've always

1 had an interpreter present, and John has made a point of  
2 wanting to have the qualifications of the interpreters on  
3 the record. So to be consistent with that practice that  
4 we've established, that's why I'm asking you to.

5 INTERPRETER: With that understanding, I'll be  
6 happy to.

7 My name is Daniel Kim, State of California  
8 certified. I'm a law graduate. I don't practice in the  
9 State of California. I went to the University of Houston,  
10 and I've been interpreting in this business more than 27  
11 years. And I'm an official interpreter of the Federal  
12 Courts. I'm also translating interpretation in Federal  
13 and Municipal Court. I think I have abundant experience  
14 in these areas. If you have any questions, I'll be happy  
15 to --

16 MRS. MULKEY: Thank you. I think that will be  
17 fine for the record, thank you.

18 Q Mr. Cheong, the purpose of the deposition  
19 here is to gather some information for what we call the  
20 discovery phase of the litigation.

21 A Okay.

22 Q So because we're trying to get as much  
23 information as we can, it's important to be as open and  
24 forthright as possible in terms of the information  
25 responsive to the questions that I'm going to ask you.

1           A       Okay.

2           Q       As evidenced by the oath that you took at  
3 the beginning of this deposition, the testimony you are  
4 about to give here today is under oath and can be used  
5 against you in a court of law.

6           A       Yes.

7           Q       Particularly because of the need to use an  
8 interpreter, it's important that we listen to the  
9 questions carefully and wait until the question is  
10 completed for you to answer the question; do you  
11 understand?

12          A       Yes.

13          Q       Okay. If you don't understand, or didn't  
14 hear the question, please ask me and the interpreter to  
15 repeat the question for you. And particularly if you  
16 don't understand it, to rephrase it, and we will do so.

17          A       Okay.

18          Q       If you do not ask us to repeat the question  
19 or rephrase it, we will assume, and the record will  
20 reflect, that you understood the question and answered the  
21 question that was asked; do you understand?

22          A       Okay.

23          Q       It's also important for purposes of the  
24 court reporter that you verbalize your responses, a yes,  
25 or a no, and don't shake your head, or do a nod, or any



1 other gesture that can't be taken down; do you understand?

2 A Okay.

3 Q Are you under the influence of any  
4 medication, alcohol or any other drugs that might  
5 influence your ability to testify here today?

6 A No.

7 Q Okay. Just as a preparatory note, we're  
8 here today because of the lawsuit that Mr. Kang has filed  
9 against U. Lim, not for the purposes of the lawsuit that  
10 you have filed against U. Lim.

11 A Yes.

12 Q So my questions today will focus on that  
13 brief period of time which you and Mr. Kang were employed  
14 and working at U. Lim together.

15 A Yes.

16 Q Mr. Cheong, when did you first start  
17 working for U. Lim?

18 A I started in America September 5, 1997, in  
19 America. But in Korea, I began August 14, 1997, in Korea.

20 Q And when you say that you started on  
21 September 5th, 1997, were you working in U. Lim's facility  
22 in Tijuana, Mexico?

23 A Yes, ma'am.

24 Q Okay. What was your position when you  
25 began at U. Lim's facilities in Tijuana, Mexico?

1           A       I was in charge of the quality control  
2 because my major was industry -- industrial engineering.

3           Q       Okay. What types of things would you do on  
4 a daily basis for the quality control?

5           A       My major in charge was No. 1. Since we are  
6 manufacturing the parts internally, I was in charge of the  
7 quality control. Externally, I also was in charge of  
8 receiving the complaints from the customer regarding  
9 component parts.

10          Q       Were you in charge of quality control from  
11 the beginning of your employment of September 5th, 1997?

12          A       Initially, No. 1, I did not know what was  
13 going on in their company and also the company was very  
14 busy doing its own business. And in the area of the  
15 Tijuana, Mexico -- since the business is very busy like  
16 the LG in Mexicali, initial emphasis was on the quality  
17 control. I was spending more time, for example,  
18 presenting the products to the customers at that time.

19          Q       So the Tijuana facility was very busy with  
20 work at the time you started in September of 1997?

21          A       Yes, ma'am.

22          Q       What were your hours, your average hours,  
23 like during that first time that you started in September  
24 1997?

25          A       Are you talking about on a weekly basis?

1           Q       Let's begin with September 1997. What time  
2 would you typically arrive at the facility?

3           A       You mean the time that I arrived at the  
4 company?

5           Q       When you would go to work in the morning.  
6 Let's start with Monday through Friday. What time would  
7 you typically arrive?

8           A       I'm supposed to be at 7:30 a.m. However,  
9 because I was in charge of the opening of the company  
10 doors, I have to be there at least between 7:10 and 7:15  
11 a.m. I'm talking about Tijuana, Mexico.

12          Q       And that was Monday through Friday that you  
13 would arrive between 7:10 and 7:15?

14          A       Yes, ma'am.

15          Q       And did you arrive Monday through Friday  
16 7:10 to 7:15 through September 1997 to February 1998?

17          A       Yes, continuously. And at that time, I  
18 also worked on Saturdays including, like, continuously the  
19 next Sunday morning, very early morning.

20          Q       Okay. Let's focus on the Monday through  
21 Friday for now, and what time would you typically leave  
22 Monday through Friday?

23          A       For example, like, Monday, Friday overtime,  
24 there was no overtime allowed at all. So my quitting time  
25 is 6:00 p.m. And Tuesdays, Wednesdays, and Thursdays, I

1 work overtime. My quitting time is 7:40 p.m. However, by  
2 the time I turn off all the electric lights in the  
3 company, it's about 8:00 p.m. that I leave the company.  
4 That is generally speaking, ma'am. For example, at the  
5 time because of the demand for the demand of new items for  
6 LG, we call it second shift. Sometimes you are required  
7 to work up until 10:00 p.m. The second shift, normally it  
8 last from November, December, and January. I'm talking  
9 about next year, 1998. And also, in order to present the  
10 manufactured items in time for the customer --

11 INTERPRETER: With your permission, Counsel, can I  
12 clarify one word with the deponent?

13 MRS. MULKEY: Yes.

14 INTERPRETER: Since the witness simply said 2:00  
15 o'clock, I needed to clarify whether it was to p.m. or  
16 a.m.

17 MRS. MULKEY: Okay.

18 THE WITNESS: Sometimes when the demand is high to  
19 present items -- manufactured goods to the customers, we  
20 let the employees go home. However, the Korean employees  
21 stay around like until 2:00 a.m. to meet the demands. For  
22 example, after 2:00 a.m., which is the following  
23 morning -- for your information, LG was located in  
24 Mexicali and the distance between Mexicali and Tijuana  
25 takes about two hours. So in order to be back on the work

1 schedule that we have to deliver, which starts 4:00 a.m.  
2 the same morning with gentleman by the name of Park, it's  
3 normally spelled P-a-r-k --

4 Q BY MRS. MULKEY: Can I interrupt for a  
5 second? I'm sorry. Can you please tell me who was  
6 working for U. Lim America at the time that you were  
7 employed there from September 1997 through February 1998?

8 A That's T.J. Yoon, Y-o-o-o-n. J-a-e  
9 H-o-c-h-o. S.W. Park. S-o-o K-a-n-g. M-y-u-n-g-h-o-o-n  
10 C-h-o-i.

11 Q I'm sorry. What was the last name?

12 A M-y-u-n-g-h-o-o-n. Last name C-h-o-i. The  
13 president's name who was the boss at the time, K-i-h-w-a,  
14 last name Y-o-o-n. For as far as Mr. Yoon is concerned,  
15 he spent more time in Korea than in Mexico.

16 Q I'm sorry. And when he was talking about  
17 Kihwa Yoon at the time?

18 A The president.

19 Q Okay.

20 A For T.J. Yoon, who happens to be the first  
21 son of the boss. K.Y. Yoon worked there and was paid.  
22 However, second son, capital Y.S., this fellow spelled  
23 Y-o-u-n, was paid but is not working there. For the  
24 Y.S. Yoon, he attended Southwestern college since he had a  
25 family, and he got paid even though he did not work

1       there.

2               Q       Okay. So if I can summarize for you, the  
3 people who were actually employed and working there were  
4 Kihwa Yoon, T.J. Yoon, Jae Hocho, S.W. Park, Mr. Kang, and  
5 then Myunghoon Choi, and this is from September 1997 to  
6 February 1998?

7               A       Yes, ma'am.

8               Q       Okay. Was T.J. Yoon at the facility very  
9 often during the time frame from September 1997 to  
10 February 1998?

11              A       Since he was the fourth son of the boss, I  
12 would say more than 50 percent he spent time in Korea  
13 rather than working at the work site.

14              Q       Back to the hours, can you estimate for me  
15 the times that you would stay until 2:00 a.m. Monday  
16 through Friday?

17              A       You said Monday through Friday, but I'm  
18 talking about only Fridays.

19              Q       Okay. So you would only stay until 2:00  
20 a.m. on Fridays during this time frame September 1997 to  
21 February 1998?

22              A       Yes, I'm saying Mondays and Fridays.

23              Q       Okay. So, I'm sorry. Both Mondays and  
24 Fridays you could potentially have to stay as late as  
25 2:00 a.m.?

1           A           What I'm saying is that the statement that  
2 I made, I worked until 2:00 a.m., was not a continuing  
3 situation; only once.

4           Q           So only one time did you have to work until  
5 2:00 a.m. during this time frame September '97 to February  
6 '98?

7           A           That's right; until 2:00 a.m. once. Again,  
8 there was only one occasion that I worked until 2:00 a.m.;  
9 however, there are at least between five to ten occasions  
10 where I worked up until 10:00 to 12:00 midnight.

11          Q           You also mentioned that there were times  
12 you would leave at about 8:00 p.m. after closing up the  
13 facility. Would Mr. Kang or others still be there when  
14 you left?

15          A           You mean when I closed my company's door  
16 with him?

17          Q           Whether -- if he left at the same time that  
18 you did or earlier?

19          A           At that time as far as Mr. Kang was  
20 concerned, he didn't work overtime.

21          Q           So from September 1997 through February  
22 1998, Mr. Kang was not working overtime?

23          A           When I said 2:00 a.m. situation, I want you  
24 to include Mr. Kang also.

25          Q           Okay. But on the days that he would leave



1 at 8:00 p.m., which he said was his regular  
2 schedule -- I'm sorry. I shouldn't refer to him as third  
3 person.

4 On the days that you would leave at  
5 8:00 p.m., which was your regular schedule and you weren't  
6 working overtime, would anybody else stay in the facility  
7 after you left?

8 A Yes. For example, in the case of Mr. Park,  
9 since I stayed at his home, since I didn't have any  
10 transportation, he and myself always worked together. So  
11 the worst part is when he's late, I have to be late too.

12 Q Okay. Do you recall approximately when  
13 Mr. Kang was leaving Monday through Friday? During this  
14 time frame, what time he would leave?

15 A At that time, during the weekdays his  
16 working schedule was 7:30 a.m. to 5:30 p.m. That was  
17 regular working time. Now I refreshed my recollection,  
18 is that from September 1997 up until February 1998, there  
19 was not many overtime for Mr. Kang.

20 Q What about for any of the other individuals  
21 that you've discussed; were any of those individuals  
22 working overtime during September 1997 through February  
23 1998?

24 A I told you that Mr. Park was always with  
25 me.

1 Q Okay.

2 A The gentleman by the name of Cho, C-h-o,  
3 who was the general manager man, he goes home under any  
4 circumstances with any excuses. As far as Mr. Cho is  
5 concerned, who was a United States citizen and, for  
6 example, even though in a situation we are supposed to  
7 work on Saturdays and Sundays to meet with the buyer, like  
8 playing golf, he didn't work that much. For example, I'm  
9 still talking about Mr. Cho, general manager, this fellow,  
10 if he happened to be -- I mean, if he happened to be  
11 working on Saturday, he only picking up the phone from  
12 boss and from Korea. And, for example, if he got a  
13 telephone call from boss 1:00 p.m., he logs his time at  
14 3:00 p.m.

15 Q Okay. How many Saturdays do you estimate  
16 that you worked from September 1997 through February 1998?

17 A Let's assume we have four Saturdays. Out  
18 of four Saturdays, I work three Saturdays. And at the  
19 time even Sundays employees were called in to work.

20 Q Okay. When you say that you are assuming  
21 four Saturdays, are you talking about each month, because  
22 obviously there would be more than four Saturdays in that  
23 time period?

24 A Yes, ma'am. One month.

25 Q So every month, September, October, et

1 cetera, you worked three out of the four Saturdays?

2 A Exactly. Let me put it this way: It was a  
3 situation where the excessive work schedule was imposed on  
4 at that time. And that wasn't right. For example, the  
5 Mexican employees would not -- I mean, never want to go to  
6 deliver at night because it's mountainous country. Once  
7 you go astray, they are doomed to death. I mean death.  
8 Therefore, the Mexican employees would not drive at all.  
9 However, being a Korean employee, being a newcomer into  
10 the company; even if it was a rainy day, I was supposed to  
11 delivery like at 9:00 p.m., one-way drive taking about two  
12 hours and back home takes about two hours; therefore, I  
13 get home at approximately 12:00 or 1:00 a.m.

14 Q And this is on a Saturday or Sunday?

15 A It applies even week days.

16 Q About how many times do you think you were  
17 sent out to make these deliveries from September 1997  
18 through February 1998?

19 A At that time, I logged those information  
20 into my diary, memory, and like I traveled at least two to  
21 Mexicali or three times a week.

22 Q A week?

23 A Back in January 1998, I was in Korea at  
24 that time and I also heard Mr. Kang and Mr. Park go to LG  
25 at least two times a week.

1 INTERPRETER: I'm sorry. Correction stands.

2 Witness said, "on day, daily basis."

3 THE WITNESS: That shows how we were on the  
4 excessive busy schedule.

5 Q BY MRS. MULKEY: And all of these  
6 deliveries and the driving that he had to do, all of this  
7 was because of the orders for LG Electronics?

8 A Yes, ma'am.

9 Q What were you having to deliver to LG  
10 Electronics?

11 A CDT Earth. It's a little component. It is  
12 the television component parts attached to the tube.

13 Q And why were you having to make so many  
14 deliveries?

15 A Partially, it was due to the poor  
16 communication with the procurement person in charge at LG,  
17 and without giving too much thought in the "capability" --

18 INTERPRETER: That is the word used by the  
19 witness.

20 THE WITNESS: -- capability, equipments,  
21 employees, and the materials, and T.J. Yoon was vice  
22 president, which means he was our boss at that time, but  
23 we didn't have any option because that was order from T.J.  
24 Yoon. Only in the hope or anticipation that LG would give  
25 more order when we meet their demand on time.

1 Q BY MRS. MULKEY: Okay. You had mentioned  
2 that you were in Korea in January 1998. When did you go  
3 to Korea?

4 A Since during the time of the vacation,  
5 Christmas vacation, in Mexico, I left Mexico around 19th  
6 or 20th of December 1997. And also, as an assigned --  
7 because of the short notice delivery to LG, when we  
8 boarded a plane, we didn't have enough sleep at all,  
9 because of the delivery. Then, since we are not familiar  
10 with the driving, Mr. Kang gave a ride from there to Los  
11 Angeles area.

12 Q Okay. Did you go -- how long were you in  
13 Korea?

14 A You mean when I returned?

15 Q When did you return? You left for the trip  
16 on the 19th or 20th of December. When did you return from  
17 Korea?

18 A January 11, 1998.

19 Q Was that for personal reasons, a vacation,  
20 or was it for business?

21 A At that time, for marriage.

22 Q Had you already been engaged to be married  
23 when you left Korea in September 1997?

24 A Yes, it was a time of my engagement.

25 Q And did your wife come back to the United

1 States with you when you returned?

2 A Well, as for my personal situation, it will  
3 take many days to explain what happened to my wife. To  
4 make a long story short, because no visa was issued, I  
5 came home by myself.

6 Q Okay. Did you get married?

7 A Yes, ma'am.

8 Q Does she still live in Korea?

9 A You mean my wife?

10 Q Yes.

11 A No, she lives in America.

12 Q When did she come to the United States?

13 A 5/31/1998.

14 Q Okay.

15 A Once I get my personal load between the  
16 time of September 1997 up to the time of May of 1998, when  
17 my wife comes, because of that and other business  
18 situations, I had to undergo so many hardships and  
19 everything.

20 Q Okay. During the time September 1997  
21 through February 1998, do you recall whether Mr. Kang  
22 worked on any Saturday or Sundays when you were there?

23 A I already stated -- testify to that.

24 Q I'm sorry. I don't recall -- I know you  
25 said that he didn't work any overtime. I just want to

1 make sure.

2 A Well, yes, I said so. However, at that  
3 time because Mr. Kang was not recording what the company  
4 should have, according to him, he was going to leave the  
5 company; therefore, like Saturday and Sundays he did not  
6 work that many times. And that's why Mr. Park, my  
7 roommate and I said I don't know why Mr. Kang is doing  
8 something that goes against the will of T.J. Yoon at that  
9 time.

10 Q Did Mr. Kang ever talk to you about why he  
11 was not working the overtime?

12 A Yes. I remember now. Yes, he said that  
13 his working hours are only 7:30 to 5:30. And since he was  
14 going to wrap up his employment at the company and  
15 transfer to another company, he needed his own personal  
16 time.

17 Q Approximately when did Mr. Kang tell you he  
18 was going to wrap up his employment and go to another  
19 company?

20 A I don't recall exactly. My best estimation  
21 is either between November or December of 1997, ma'am.

22 Q Did Mr. Kang tell you that he had another  
23 job waiting for him at that time?

24 A No, I never heard that he found a job  
25 waiting for him, but I believe he need some preparation



1 time to find his own new employment business. He work  
2 already there for the past three to four years. And also,  
3 my observation and my opinion was that because of the  
4 excessive physical and mental exertion at the company, he  
5 wanted to rest for a while.

6 Q And when you say, "physical and mental  
7 exertion," you mean because of the long hours necessitated  
8 by LG Electronic's orders?

9 A No. The physical or mental exertion after  
10 work. For example, you mentioned LG; it was at the lowest  
11 bottom, almost nothing, peanuts. However, I'm talking  
12 about the physical and mental stress suffered from  
13 T.J. Yoon.

14 Q Okay. During this time frame from  
15 September 1997 through really the end of January 1998, do  
16 you recall seeing Mr. Yoon yell at Mr. Kang?

17 A I didn't hear any yelling, that kind of  
18 thing directly; however, for example, generally, he -- I  
19 would say he was yelling to all of us. One of the  
20 examples is that he would not let us sit down for the next  
21 two hours. No sitting down for two hours while he is  
22 freely talking to others. There was one eyewitness  
23 experience where T.J. Yoon grabbed Mr. Kang's -- one of  
24 the ear and almost grabbed him to the office.

25 Q When --

1 INTERPRETER: Can I clarify one word?

2 MRS. MULKEY: Yes.

3 THE WITNESS: Left ear, Mr. Kang's left ear with  
4 T.J. Yoon's right hand.

5 Q And approximately when did that happen?

6 A I believe winter of 1997.

7 Q Can you be any more specific in terms of  
8 the month, if it was either September, October, November,  
9 or December?

10 A I believe it's either September or October  
11 because when I observed or eyewitnessed Mr. T.J. Yoon  
12 grabbing Mr. Kang's left ear -- for your information,  
13 Mr. Kang is two years older than T.J. Yoon, and any  
14 ordinary man of a sense -- I couldn't believe what I was  
15 watching. On top of that, Mr. Kang was married. How  
16 could -- how in the world could T.J. Yoon do such a  
17 conduct at the company in front of other people? That  
18 instant led me to believe that that is not one instant at  
19 all. What I'm saying is that there must have been more  
20 incidents previously.

21 Q Did you personally witness any other times  
22 that T.J. Yoon grabbed Mr. Kang by the ears?

23 A By me?

24 Q Yes.

25 INTERPRETER: The interpreter clarified with the

1 witness how many times did you witness.

2 MRS. MULKEY: Witness, yes.

3 INTERPRETER: And the witness said, "Only once."  
4 The witness said, "Mean me or others?"

5 Q BY MRS. MULKEY: No. How many times did  
6 you see Mr. Yoon, T.J. Yoon, grab Mr. Kang by the ear?

7 A Only once.

8 Q And you believe it was either September or  
9 October 1997?

10 A Yes, ma'am. The reason I remember it was  
11 September or October was because that's when I came to  
12 Tijuana, Mexico, and I was new to the company, U. Lim in  
13 Tijuana, Mexico. I'm almost like an outsider, stranger.  
14 When I witnessed that incident, I was almost shocked to  
15 death.

16 Q So would you put it within the first month  
17 of your coming to Tijuana, Mexico?

18 A Yes, ma'am. Yes, ma'am.

19 Q If you don't know, you don't have to guess,  
20 but would you estimate it was within the first two weeks?

21 A I don't know.

22 Q Okay. Did you personally ever observe  
23 Mr. Yoon hit Mr. Kang?

24 A I have never seen even once. However, I  
25 never witnessed, eyewitnessed, myself, personally.

1 However, I was told by Mr. Park and Cho -- let's go to  
2 Mr. Park first. For example, in the occasion of Mr. Park  
3 was hit with an ashtray which caused a nosebleed; and  
4 therefore, Mr. Park was going to quitting (sic) and they  
5 had disputes frequently. Also, in a public meeting  
6 T.J. Yoon officially said that before you came here,  
7 meaning you as me, the conditions is terrible. However,  
8 since you came here, I have been rather calm down or  
9 control myself, because so many people were disciplined  
10 before. At that time, he asked a question to  
11 Mr. Kang -- and then he asked Mr. Kang a question: "How  
12 was different then and now?" Mr. Kang said, "Yes, there's  
13 a difference now and the past." Well, for T.J. Yoon and  
14 myself, we were kind of old buddies more than ten years  
15 extending back to elementary school, like almost ten  
16 years, and Jae Hocho is the one T.J. Yoon acquired in  
17 America and Mr. Park is the older friend with T.J. Yoon;  
18 in fact, older than my friendship. And when Mr. Park did  
19 not use a respectful form of calling Mr. Yoon, then  
20 Mr. Park is in trouble.

21 Q Okay. Did you actually see Mr. Park get  
22 hit with the ashtray?

23 A No. I already testified that I only heard.

24 Q Okay. So putting aside what Mr. Park may  
25 have told you or what you may have heard from others, did

1 you ever see Mr. Yoon hit Mr. Kang or anyone else either  
2 with his fist or with items during this time frame  
3 September 1997 to February 1998?

4 A Never seen Mr. Yoon hit Mr. Kang, no.

5 Q What about others during this time frame,  
6 only September 1997 to February 1998; did he ever see  
7 Mr. Yoon hit anyone else who worked at the facility?

8 A I don't know whether you classify that,  
9 quote, unquote, "hitting." During his regular course of  
10 conversation, he hits with one of his foot while he is  
11 talking to the person to whom he is speaking. For  
12 example, when he's not satisfied, he's kind of kicking  
13 with his foot.

14 Q Okay. Did you see Mr. Yoon kick Mr. Kang  
15 during this time frame?

16 A I did not see him hit Mr. Kang. But I saw  
17 Mr. Park, yes.

18 Q Okay. Let me -- I was asking about  
19 kicking. Did you actually see him kick?

20 A It's not severe kicking; kind of like, you  
21 know, tapping. Kicking would not make you happy at all,  
22 that kind of kicking.

23 Q Did you see him do that tapping or kicking  
24 to Mr. Kang during this time frame?

25 A No, not to Mr. Kang. Well, let me put it

1 this way. I may have seen it, but due to the passage of  
2 time and since it was the usual or ordinary things that  
3 always happening, that's why I don't remember. For  
4 example, grab by somebody's neck and then hitting with a  
5 fist to one of the shoulders, you know. To me, what he  
6 was doing was a part of daily ritual, sort of. See,  
7 especially remembering now still is that his grabbing  
8 Mr. Kang's ear because grabbing by ear, it still lingers  
9 in my memory after long passage of time.

10 Q So do you have any specific memory of  
11 either Mr. Yoon grabbing Mr. Kang by the neck, or hitting  
12 him with a fist, or kicking him during that five months  
13 where you worked together?

14 A For the example of Mr. Cho, who was a U.S.  
15 citizen, since he was speaking the English language rather  
16 freely and was in charge of the management, and plus me,  
17 myself, who was new to the company, T.J. Yoon did not  
18 treat him and me bad, no. However, for Mr. Kang and Park,  
19 it was almost like a little play thing for him to do  
20 whatever he wanted to, even though I don't have a specific  
21 recollection to remember.

22 Q So you don't have a specific recollection  
23 of Mr. Yoon either grabbing Mr. Kang by the neck, hitting  
24 him with a fist, or kicking him during this time frame?

25 A I don't have a specific recollection. But

1 since it happened, it is kind of ritual, I'd say, every  
2 day.

3 Q Do you ever recall an incident where  
4 Mr. Yoon forced Mr. Kang or others to do jumping jacks or  
5 some sort of exercise in the form of jumping jacks during  
6 this time frame?

7 A In Korea, we call it rabbit jumping jack.  
8 I don't recall specifically, but let me  
9 see. I know Cho was telling -- oh, now I remember  
10 something. During the lunch hour, while we were getting a  
11 lunch table during the lunch hour, when something happened  
12 that made T.J. Yoon unhappy, and T.J. Yoon instructed  
13 Mr. Kang, let me see, stand up or kneel down or something.  
14 And lo and behold, Mr. Kang complied with his demand.  
15 That, I could not understand at that time. You know, if  
16 T.J. Yoon demanded me to do so, I would have objected.  
17 However, Mr. Kang did it. And I also did not understand  
18 why -- both Mr. Kang and Mr. Cho were U.S. citizens, and I  
19 didn't understand why Mr. Kang alone was treated like  
20 that. Back in October of '97, there was a computer show  
21 in Las Vegas; all went to Las Vegas show with an exception  
22 of Mr. Kang. He did not invite Mr. Kang. And T.J. Yoon  
23 told us that -- correction, not T.J. Yoon but Mr. Cho told  
24 me, "Hey, don't tell this to Mr. Kang." Original plan  
25 only called for T.J. Yoon, Mr. Cho, and Mr. -- the other



1 fellow, Park. However, since -- well, original plan did  
2 not even include myself. What Mr. Park thought was that  
3 if I was not invited, I would have -- spend time with the  
4 baby and Mrs. Park, so that is why I was invited.

5 Q Okay.

6 A And also, at that time, Mr. Kang here,  
7 Mr. T.J. Yoon in Korea. And I heard inside the company  
8 that, "Whether or not Mr. Kang quit or not?" And when  
9 Mr. Cho, "He did not." And Mr. T.J. Yoon from Korea  
10 called the company and said, "Will that guy quit or not?"  
11 That kind of conversation I heard.

12 MRS. MULKEY: Do you need a moment?

13 MR. GREY: We've -- as we go through this, we've  
14 always had Mr. Cho present and Mr. Kang present, who speak  
15 Korean as well, so if there's ever been a situation where  
16 there's concern about the translation, they have spoken up  
17 and just clarified the translation.

18 Let me just confer with him for one  
19 moment.

20 MRS. MULKEY: Off the record.

21 (Discussion held off the record.)

22 MR. GREY: Back on the record.

23 Specifically, with respect to the last  
24 translation, Mr. Kang informed me that he believes that  
25 Mr. Cheong mentioned the word "fired" as well as "quit,"

1 and that the word "fired" wasn't translated. If we can  
2 have a clarification with respect to the last conversation  
3 that Mr. Cheong was relating, it would be appreciated.

4 INTERPRETER: I appreciate it, Counsel. I'm open  
5 to any questions or comments regarding the translation.  
6 In a normal situation when there is any -- and for your  
7 information, translation is not an exact science. So what  
8 happens is that when there is any questions or disputes,  
9 I'm very open-minded. And for the question of firing or  
10 quitting, keep in mind -- I don't know who is reading  
11 this -- Mr. Cheong speaks rather abundantly, so I have to  
12 quit once in awhile because -- as a limit for the  
13 interpreter. In fact, I was going to ask Mr. Cheong  
14 during the break to make a short statement, to move on.  
15 Otherwise, I can't remember all of it. And for the firing  
16 or quitting --

17 MRS. MULKEY: Maybe we can just -- I know it  
18 wasn't necessarily responsive to the question that I asked  
19 but maybe what we can do is just have him --

20 INTERPRETER: He wants to take a short break.

21 MRS. MULKEY: Sure. Please feel free. If you  
22 need to use the rest room --

23 MR. GREY: And I'm going to talk to him about  
24 being more responsive.

25 (Brief recess taken.)

1 MRS. MULKEY: Back on the record. We took a break  
2 just a few moments ago and there were some issues about  
3 clarifying an answer that he had given, some potential  
4 problems with translation.

5 Q Let's do that now, Mr. Cheong.

6 INTERPRETER: For the record, if there's any good  
7 faith dispute for the translation of this interpreter,  
8 once again as a professional I'm open-minded. In that  
9 situation, I will ask the witness to restate the statement  
10 so that I deliver it precise and correct, the translation.

11 THE WITNESS: A couple of matters I know of.  
12 No. 1, some statements that I testified to should be  
13 corrected, No. 1. No. 2, for the issue of Mr. Kang's  
14 quitting company, it was only an inference on the part of  
15 myself and Mr. Park. My recollection goes that Mr. Kang,  
16 yes, he worked overtime 50 percent, five-zero. And, in  
17 fact, Mr. Kang worked overtime September and October;  
18 however, none in November. What I'm saying is never  
19 overtime. What I'm saying is not compared to September  
20 and October. There was -- he was not working overtime as  
21 much; that's what I'm saying. So it was only our  
22 inference or presumption between Mr. Park and myself. And  
23 I don't know why Mr. Kang did not work overtime unlike he  
24 did in September and October, so it was only our  
25 inference. Then Mr. Park and I conclude that Mr. Kang is

1 going to quit. As far as overtime is concerned, there is  
2 no exemption for the -- exemption to anybody. Once you  
3 are required to make a delivery, you have to. So when  
4 Mr. Kang was supposed to deliver, Mr. Kang had no  
5 exception; he had to go.

6 Q Do you recall whether or not he was  
7 required to make deliveries, and therefore, work overtime  
8 in November, or December, or January?

9 A For example, in the month of January,  
10 Mr. Kang made several deliveries to Mexicali. Yes, I do  
11 remember.

12 Q Was this during the time that you were  
13 gone, in Korea?

14 A That's right.

15 Q So did you personally observe him making  
16 those deliveries or is this something you heard about  
17 through others.

18 A Mr. Park told me so.

19 Q Okay.

20 A Even on Sunday, Mr. Kang went to Mexicali  
21 with his wife for delivery.

22 Q Did you see Mr. Kang go to Mexicali with  
23 his wife?

24 A I did not see; I only heard.

25 Q Who did you hear that from?

1           A           Either Mr. Park or Mr. Cho.

2           Q           Okay. I think what we were talking about,  
3 what led up to this portion that we got a little bit far  
4 afield, was the actual incidents involving Mr. Yoon and  
5 Mr. Kang, specifically. If I recall correctly, you were  
6 saying that you didn't see Mr. Yoon hit or kick Mr. Kang  
7 during this time frame; is that correct?

8           A           I did not testify that Mr. Yoon did not.  
9 What I was testifying was since it was a daily ritual that  
10 I observed everyday, I do not specifically remember.

11          Q           In this daily ritual that you saw everyday,  
12 do you remember whether he would hit or kick Mr. Kang?

13          A           What I'm saying is that since it was a  
14 daily ritual and what I observed was not necessarily any  
15 violent hitting or kicking, but in a manner of -- as an  
16 advising manner to hitting or kicking. It happens  
17 everyday to Mr. Park -- I mean Mr. Kang, correction.

18          Q           Every day. So every day you would see some  
19 sort of hitting or kicking but it wasn't violent; is that  
20 what you are saying?

21          A           Correct. Not so violent that he remembers  
22 in my memory bank, correct.

23          Q           I'm sorry to keep repeating the question,  
24 I'm just not sure that I'm understanding the answer.

25                      Do you have a specific recollection of

1 Mr. Yoon connecting with his fist or with his foot to  
2 Mr. Kang?

3 A Yes, he did.

4 Q And can you recall about when you saw a  
5 specific instance of Mr. Yoon connecting with a punch or a  
6 kick?

7 A Like I said, there was no specific time.  
8 He was always doing particularly to Mr. Kang and Park.

9 Q Did he ever hit or kick you during this  
10 time frame?

11 A Not during the time I was employed there,  
12 but after I quit, I left the company, and he kind of hit  
13 me and grabbed by the neck, kind of pushed, and then  
14 cursed or humiliated, like, "You rat," you know, "your  
15 conduct is kind of that of a rat," or some kind of  
16 humiliation.

17 Q Okay. But during the time frame that you  
18 were working with Mr. Kang, that is, September 1997, or  
19 February 1998, he did not kick or hit you?

20 A He didn't.

21 Q And do you have a recollection of what led  
22 up to the incidents and -- you are calling them daily  
23 incidents -- where Mr. Yoon in some form hit or kick  
24 Mr. Park or Mr. Kang?

25 A One of the many examples -- this is the

1 situation. For example, when we drafted some letters or  
2 when some errands were not done the way he wanted, i.e.,  
3 when he was not satisfied, he does so, kicking, hitting.

4 Q So would you say that for the most part  
5 these incidents were the product of Mr. Yoon being upset  
6 at something related to work?

7 A Yes. What boils down is this: Even though  
8 we are employees of that company, we were not treated as  
9 decent human beings. That's what I'm saying.

10 Q Okay.

11 A Like your servant.

12 Q Okay. In your opinion, did he treat  
13 Mr. Kang and Mr. Park differently than, for example, he  
14 treated you and Mr. Cho?

15 A Absolutely.

16 Q Why do you think he treated Mr. Kang and  
17 Mr. Park differently than he treated you and Mr. Cho?

18 A First of all, he treated Mr. Park with no  
19 minimum courtesy whatsoever, for the reason that  
20 Mr. Park was a friend from childhood, because there was no  
21 complaint. And in the case of Mr. Kang, I was told that  
22 Mr. Kang was not treated that bad in all the stage of his  
23 employment at U. Lim. Like, he didn't work overtime and  
24 he complied with all the demands of the company. And  
25 later when Mr. Kang was not a favorite to the eyes of



1 T.J. Yoon, that's why T.J. Yoon said that, "Oh, he didn't  
2 quit yet? He should have been fired." Something like  
3 that.

4 Q And was he not a favorite with Mr. Yoon  
5 because he was no longer working the amount of overtime  
6 that the others were working?

7 MR. GREY: I'm going to object. Calls for  
8 speculation, but he can answer.

9 THE WITNESS: Could you repeat the question?

10 Q BY MRS. MULKEY: Question was -- and maybe  
11 this would help it -- if you know, was Mr. Yoon -- strike  
12 that.

13 If you know, did Mr. Kang fall out of favor  
14 with Mr. Yoon because he was no longer working the same  
15 overtime as others?

16 MR. GREY: Same objection. And object, lacks  
17 foundation, but he can answer.

18 THE WITNESS: I don't have a specific answer to  
19 your question, but I believe not necessarily work related,  
20 but if you don't like a person --

21 Q BY MRS. MULKEY: So do you believe that  
22 Mr. Yoon did not like Mr. Kang?

23 A I believe so. Let me add one more thing  
24 for you, Counsel. This is what he said. "Like woman, his  
25 character is unpredictable."

1 Q I'll go with that.

2 A "His character is unpredictable, like a  
3 woman." Some of the time he likes Mr. Cho. Certain  
4 period of time, Mr. Park. Or certain period of time he  
5 also likes Mr. Kang. I believe the reason is as follows:  
6 For example, any employee will be branded no good  
7 employee. For example, when Mr. T.J. Yoon invites the  
8 employee for a kind of drinking party outside of the scope  
9 of employment, if any one of the employees dare to decline  
10 or reject it, that's the end; out of favorite. For  
11 example, when your parents are sick, or when your wife is  
12 sick, because of a personal appointment you cannot be  
13 there, but he doesn't care.

14 Q So people would fall out of favor with  
15 Mr. Yoon if they did not accompany him in the social  
16 events?

17 MR. GREY: I'm going to object to the question as  
18 it infers that would have been the only explanation for  
19 falling out of favor. I think that mischaracterizes the  
20 testimony.

21 Q BY MRS. MULKEY: Let me restate that that  
22 is one of the reasons that Mr. Yoon would -- excuse me.

23 Is one of the reasons that people would  
24 fall out of favor with Mr. Yoon the fact that they would  
25 not attend these social events?

1           A           That's only one of the easy examples for me  
2 to remember.

3           Q           What other kinds of things would make you  
4 fall out of favor with Mr. Yoon?

5           A           For example, when he invite me to play  
6 golf, I don't play golf. Or the playing of pool, or  
7 playing card games, or fishing; there are many situations.  
8 Or a picnic, for example.

9           Q           Aside from the social events, were there  
10 other reasons why a person might fall out of favor with  
11 Mr. Yoon?

12          A           This is my personal opinion, and that is  
13 that he cannot stand someone who is superior to him.

14          Q           Okay. Were any of the employees that he  
15 treated disfavorably (sic) -- did any of them hold a  
16 superior position to Mr. Yoon?

17          A           In other words, his vision of employment is  
18 that no one is above him. He's on the top of that  
19 employment and he's what I say tyrant.

20          Q           Okay. So then this other factor, the other  
21 explanation for him disliking one of the employees that is  
22 someone who is superior to him, how would that work given  
23 his, Mr Yoon's, belief that he was basically the "top  
24 dog"?

25               MR. GREY: May I just add, we're looking here for

1 clarification, what he means by the use of the term  
2 "superior."

3 MRS. MULKEY: Yeah, I think that may be it.

4 THE WITNESS: For example, he had a complex that  
5 his height is short. Even though he's short, he's  
6 bragging that his height is 170 centimeters. For example,  
7 in the command of the English language he gets by, not  
8 fluent, not bad; and in the example of Mr. Park and  
9 myself, which we have very poor English language, he  
10 humiliates. For example, the playing pool, or playing  
11 card games, if he is a loser, he will never end the game.  
12 For example, until he recovers all what he had lost, or  
13 until his physical condition cannot stand him, then that's  
14 the end of the game; otherwise, he continues.

15 Q Okay. So generally, would you describe  
16 Mr. Yoon as not a very likable person?

17 A Of course.

18 Q Was he generally mean to everybody at the  
19 work place?

20 A Yes, generally.

21 Q Did you have occasion to watch Mr. Yoon  
22 interact with any of the Mexican workers for U. Lim de  
23 Mexico?

24 A Well, he couldn't do that because of the  
25 language barrier. The Mexican nationals could not

1 understand this guy's language. So for example, if T.J.  
2 yells at the female employees there, and since female  
3 employee's know the character of T.J. Yoon, they are kind  
4 of used to it.

5 Q So would Mr. Yoon, T.J. Yoon, yell at the  
6 Mexican workers despite the language barrier?

7 A Yes, including female employees.

8 Q What kinds of things would he get angry  
9 about with respect to the Mexican workers?

10 A When there's noncompliance.

11 Q And when you say "noncompliance" --

12 A When he was not satisfied.

13 Q Not satisfied with their work performance?

14 A Yes. And another reason is, for example,  
15 if an add-on was requested and the female employee simply  
16 forgot as she was doing another companies duties. And,  
17 for example, one of the employee was kind of fat, plump  
18 lady, he called her, "The big fucking lady did not do the  
19 job right." And he never speaks for those words in their  
20 language, Spanish, or English; he only spoke in Korean so  
21 the other party would not understand. However, these  
22 Mexican workers understand those Korean curses used by  
23 T.J. Yoon and Mr. Cho. They understood Korean curses.

24 Q So Mr. Yoon and Mr. Cho would curse at the  
25 workers?

1           A       Yes.

2           Q       What kinds of curse words would they use?  
3       I don't know if there's a way to translate them exactly or  
4       not. We've tried before in some of the other  
5       depositions.

6           A       It can be "translated son of a bitch" or  
7       "motherfucker," you know.

8           INTERPRETER: That's not bilingual; that was said  
9       by the witness.

10          Q       BY MRS. MULKEY: But that's the Korean  
11       words would be the equivalent to the American "son of a  
12       bitch" or "motherfucker"?

13          A       That kind of language should not be  
14       condoned at the company environment.

15          Q       Okay. Did he use that kind of language  
16       towards the Korean employees as well?

17          A       Oh, yes.

18          Q       Did you ever see Mr. Yoon throw objects or  
19       hit any of the Mexican workers?

20          A       He would not do that; otherwise, he would  
21       be sued instantly.

22          Q       Did you ever hear Mr. Yoon make any  
23       derogatory or disparaging remarks to Koreans in general  
24       during this time frame September of 1997 and February  
25       1998?

1           A       Yes. To me, as well.

2           Q       Okay. What did he say that was either  
3 negative or disparaging about Koreans?

4           A       For example, "You must obey the rules from  
5 the company; otherwise, you may be sent back to Korea."  
6 Also, "If you fall out of favor of the president, boss,  
7 you have no choice but to return to Korea. So work hard  
8 to earn the favor of the president." When I was in Korea,  
9 my philosophy was only to work hard for the sake of the  
10 company. But over here, I had to not only work hard for  
11 the company, but also to run a personal favor of the  
12 boss. It was really a worse situation for me because I  
13 already quit my job in Korea and my status is not fixed  
14 here in America, and I just didn't have any choice what to  
15 do over here.

16          Q       Okay. Going back to my question, which  
17 was, did he make any derogatory comments about Koreans --

18                   Can we go off the record for a second?

19                   (Discussion held off the record.)

20          MRS. MULKEY: Back on the record.

21          Q       Going back to my question, which was, did  
22 Mr. Yoon make any derogatory comments? I don't recall you  
23 saying anything concerning Koreans in general. Do you  
24 remember him saying anything that insulted Koreans?

25          A       Yes.



1           Q       What types of insults would he make about  
2 Koreans?

3           A       One example is when Mr. Cho is not present,  
4 for example, and when Mr. T.J. Yoon does not like Mr. Cho,  
5 he said, you know, "I picked up that guy from auto shop  
6 and then I trained him to be working for this company and  
7 he does not obey me."

8           Q       Okay. I think perhaps maybe you don't  
9 understand my question. I'm not talking specifically if  
10 he insulted the Korean employees. I'm asking whether he  
11 made comments insulting Koreans as a national origin?

12          A       Can I compare ethnically with the Mexicans?

13          Q       If Mr. Yoon made comparisons then, please.

14          A       He did.

15          Q       Okay. Please.

16          A       For example, "Koreans must work hard  
17 because Mexicans unreliable and you have to watch out for  
18 them." I don't know whether it has any relevance, but he  
19 only talks about the person who was not present.

20          Q       Did he make any other -- did Mr. Yoon,  
21 T.J. Yoon, make any other statements comparing Mexicans  
22 and Koreans, if you recall?

23          A       Since the Mexicans would not work overtime,  
24 and since we pay them and they are paid, we have let them  
25 work. For example, Koreans are diligent in saving from

1 what they earn or made. However, Mexicans do not -- are  
2 not, and therefore, if you have any chance let them work  
3 hard.

4 Q Do you remember Mr. Yoon comparing Koreans  
5 to Americans?

6 A No, but I could feel what he said. I  
7 believe if Mr. Park and I were United States citizens, he  
8 would not have discriminated like that.

9 Q What did you mean that, "he would not have  
10 discriminated like that"?

11 A Because he believes himself -- he's the  
12 final ruler of my employment, because I don't have any job  
13 in Korea and my status is not set here; that is his  
14 mindset.

15 Q Earlier you indicated that Mr. Yoon treated  
16 you better than Mr. Kang; is that correct during that time  
17 frame?

18 A Yes.

19 Q Okay. Aside from comparing Koreans to  
20 Mexicans, do you remember Mr. Yoon making any insulting  
21 remarks about Koreans in general?

22 MR. GREY: I'm going to object as asked and  
23 answered, but go ahead.

24 THE WITNESS: He made a comparison with Samsung  
25 employ, S-a-m-s-u-n-g, which happened to be our company,

1 and they were less paid but they good colleagues, and what  
2 about you we pay you well and you are not working well.

3 Q Okay. As you sit here now, do you remember  
4 anything from September 1997 through February 1998, that  
5 Mr. Yoon said in terms of an insult specifically related  
6 to Korean national origin?

7 A Yes.

8 MR. GREY: Same objection.

9 THE WITNESS: You are talking about the Korean  
10 origin?

11 Q BY MRS. MULKEY: Yes.

12 A Yes. For example, he said, you know,  
13 "Koreans are lazy when the boss is not around." That kind  
14 of insulting comment.

15 Q Do you remember when he said -- when  
16 Mr. Yoon said to you, "Koreans are lazy when the boss is  
17 not around"?

18 A For example, from Korea he calls over to  
19 Mexico in the morning, working time, whether or not we are  
20 at the work site or not. Then when he returns, he checks  
21 up on us. "Uh-huh, since I'm not around you are lazy.  
22 You didn't come to work on time." Things like that. What  
23 he is saying is that when he's around productivity is up,  
24 and when he's not around, you are lazy and you do not work  
25 hard. You must feel the vacuum that I was away from work.

1           Q       Was Mr. Yoon making this comment about you  
2 and the other employees specifically, or about Koreans in  
3 general?

4           A       Well, initially, Mr. Cho and me, and then  
5 later, he said all the Koreans -- I mean, Mr. Park.

6           Q       And when he said, "all the Koreans," did he  
7 mean -- strike that.

8                   When he said, "all the Koreans," did you  
9 understand him to be referencing the Koreans who worked  
10 for U. Lim America, or Koreans in general?

11          A       You mean in my opinion?

12          Q       Yes, in your opinion.

13          A       Well, to me, honestly, whether he is here  
14 or not, when he's not here it's less stressful. However,  
15 we work according to the schedule. Whatever he believed  
16 was his personal opinion and not ours.

17          MR. GREY: Can we just take a two-minute break?

18          MRS. MULKEY: Sure.

19                   (Brief recess taken.)

20          MRS. MULKEY: Back on the record.

21          Q       During this time frame from September 1997  
22 through February 1998, did you ever personally hear  
23 Mr. Yoon call Mr. Kang any insulting names?

24          A       Yes. For example, in the disparaging  
25 manner, Mr. Kang's shape is something like this

1 (indicating).

2 INTERPRETER: Well, Counsel, you witnessed what he  
3 did.

4 MRS. MULKEY: For the record, he was making a  
5 circle type of shape with his hands, the witness.

6 Q So he would indicate -- I'm sorry.  
7 Mr. Yoon would indicate that Mr. Kang had some sort of  
8 circled shape to him?

9 A Not necessarily face shape, but I hate to  
10 mention that comment in front of Mr. Kang. What T.J. Yoon  
11 described insultingly was comparing Mr. Kang's bulging  
12 belly and, "He's just like his wife," you know.

13 Q Other than describing his physical  
14 appearance, did he make any insulting comments about  
15 Mr. Kang to you?

16 A Nothing off the top of my head right now.

17 MR. GREY: And can we clarify when you use the  
18 word "insulting," are you also including swearing and  
19 curses?

20 MRS. MULKEY: I was going to get to that part.  
21 Why don't I ask the question. You can translate that.

22 INTERPRETER: I translated the Korean words for  
23 insulting, swearing, and curses.

24 Q BY MRS. MULKEY: So, do you recall during  
25 this time frame from September 1997 through February 1998,

1 Mr. Yoon insulting, or swearing, or cursing at Mr. Kang?

2 A To answer your question, yes. However,  
3 since that kind of stuff is a daily ritual, nothing worthy  
4 of my recollection now. Just like when you are hit  
5 everyday, you are kind of used to it.

6 Q Do you remember what types of words  
7 Mr. Yoon would use when he would either insult, or curse,  
8 or swear at Mr. Kang?

9 A Yes, I do. For example, "Soo Cheol Kang,  
10 that son of a bitch; he doesn't work overtime and he does  
11 not do full company's work well. That guy should have  
12 been fired. He did not quit yet?"

13 INTERPRETER: One more additional translation.  
14 Sometimes "fired" is translated in Korean language,  
15 "cutoff."

16 Q BY MRS. MULKEY: Okay. Putting aside the  
17 other comments about Mr. Kang not working overtime or not  
18 working well, did Mr. Yoon use any other phrases besides  
19 "son of a bitch"?

20 A He said he's lazy. Lazy worm. Well, the  
21 fact of the matter is that guy is lazy worm since he's the  
22 boss of the company. He's lazy, lazier than anybody.

23 Q Okay. Do you remember at what point in  
24 time Mr. Kang either stopped working overtime or  
25 significantly reduced his overtime?

1 MR. GREY: I'm going to object as asked and  
2 answered.

3 THE WITNESS: My recollection is that he did  
4 approximately 50 percent in the month of September and  
5 October. And in the month of November, he was rather  
6 working less compared to the month of September and  
7 October. That's the extent of my recollection.

8 Q In November and, if you remember, December  
9 or January, was he working less overtime than you,  
10 Mr. Cho or Mr. Park?

11 MR. GREY: Object to the question as compound.

12 THE WITNESS: You are talking about overtime;  
13 right?

14 Q BY MRS. MULKEY: Yes.

15 A Mr. Cho, in fact, worked far less overtime,  
16 so he shouldn't be there.

17 Q So did he work -- did Mr. Kang work less  
18 overtime than you during the months November, December of  
19 1997, and January of 1998?

20 A Yes, that's right.

21 Q And what about Mr. Park? Did he work less  
22 overtime than Mr. Park?

23 A Keep in mind that Mr. Park and I are always  
24 together because of the car.

25 Q Okay. Because you are sharing the car, you



1 would say that Mr. Kang worked less overtime than both you  
2 and Mr. Park during that time frame?

3 A Correct.

4 Q Okay. Did -- during this time frame from  
5 September 1997 through February 1998, did anyone ever  
6 comment to you about the fact that Mr. Kang was working  
7 less than at least you or Mr. Park?

8 A For example, "I don't know why, Soo Cheol  
9 Kang does not work overtime. Why does he not listen to  
10 us? If that's the case, cut him off."

11 Q Who was saying that?

12 A T.J. Yoon commanded to Mr. Cho to say so.

13 Q Okay. Did you ever observe any  
14 conversations between Mr. Cho or Mr. Yoon and Mr. Kang,  
15 concerning his hours?

16 MR. GREY: I'm going to object as to vague and  
17 ambiguous as to whether or not only certain of those  
18 parties had to be in those conversations or all of those  
19 parties together had to be in the conversation.

20 THE WITNESS: Yes, on the basis of two reasons:  
21 No. 1, since we shared one big office with just one glass  
22 door open, we can hear all the conversations. So I heard  
23 it as well as Mr. Cho told me so.

24 Q BY MRS. MULKEY: What was the substance of  
25 the conversation that you heard concerning Kang's hours?

1           A           For example, Mr. Cho told me that, "You two  
2           guys," meaning myself and Mr. Park, "you come to work at  
3           darkness, and then you leave the company also at darkness,  
4           but what about Kang? That guy, why does -- did he not  
5           work overtime?" Then I assume that from what Mr. Cho  
6           said, I think Mr. Cho heard from T.J. Yoon.

7           Q           What is your understanding about the  
8           reasons that Mr. Kang ultimately left employment at U.  
9           Lim?

10           MR. GREY: Objection. Calls for speculation, but  
11           he can answer.

12           THE WITNESS: First of all, over the past three  
13           years, he sacrificed his youth for the sake of the  
14           company's benefit and what he suffered was the physical as  
15           well as the emotional stress everyday, everyday. And he  
16           has been an asset to the company and to him; however, he's  
17           seen no changes whatsoever. No decent treatment as a  
18           human being. Make a note that that's my personal  
19           speculation. I don't know what the other parties felt.

20           Q           BY MRS. MULKEY: Okay. Do you know whether  
21           or not -- strike that.

22                       Did Mr. Kang ever discuss with you around  
23           the beginning of February 1998, why he was leaving the  
24           company?

25           MR. GREY: Objection. Lacks foundation. Assumes

1 that was his decision to leave.

2 THE WITNESS: Do you want me to go ahead?

3 Q BY MRS. MULKEY: I'll ask a follow-up,  
4 actually.

5 Did Mr. Kang ever relate to you a  
6 conversation that he had with Mr. Yoon concerning his  
7 hours in February 1998?

8 A Not that I recall.

9 Q Did you discuss with anyone in February  
10 1998, the reasons why Mr. Kang was no longer going to be  
11 employed by U. Lim?

12 A With me?

13 Q Yeah. Did anyone discuss it with you?

14 A Mr. Park and I discussed our friendly  
15 concern that, "I don't know why Mr. Kang is doing that. I  
16 don't know why he's trying to make himself out of favor of  
17 Mr. T.J. Yoon. If he keeps doing so, he'll be fired or  
18 cut off sooner or later unless he quit." On top of that,  
19 let me see, second generation -- I mean, the baby was  
20 supposed to be born or something. So once again, that was  
21 the out of our friendly concern for Mr. Kang with  
22 Mr. Park.

23 Q And do you have any understanding that you  
24 gained at the time, in February 1998, as to the reasons  
25 why Mr. Kang was no longer going to be employed with U.

1 Lim?

2 A From Mr. Kang or from any other source?

3 Q From Mr. Kang or any other source that you  
4 learned of at the time, in February 1998?

5 A Yes.

6 Q And what was your understanding of the  
7 reasons that he was no longer going to be employed?

8 A My understanding was there was a dispute,  
9 problems between Mr. Kang and the company.

10 Q Do you have an understanding as to the  
11 nature of the dispute or problems?

12 A Not precisely, but we thought Mr. Kang fell  
13 out of the favor of T.J. Yoon. T.J. Yoon did not like  
14 Mr. Kang, and Mr. Kang could not stand T.J. Yoon.

15 Q I don't know how it's going to work on the  
16 translation but I'll go for it anyway.

17 Was it your understanding at that time that  
18 Mr. Yoon terminated Mr. Kang's employment or that Mr. Kang  
19 quit his employment?

20 A I don't know exactly because T.J. kept  
21 saying, "That thing" -- or "That guy must be cut off," and  
22 "Mr. Kang may have intention of quitting." I don't know  
23 exact terms, because inside of the office it was almost  
24 officially, publicly, that that guy should be cut off,  
25 terminated. Probably that's what happened.

1           Q       When you and Mr. Park talked about Mr. Kang  
2 not obeying orders and falling out of favor of Mr. Yoon,  
3 were you referencing his working hours?

4           A       No, I'm talking about overtime. Overtime,  
5 but generally disfavored.

6           Q       Okay. So, one of the reasons which you and  
7 Mr. Park believed Kang had fallen out of favor was the  
8 fact that he was not working overtime; is that correct?

9           A       Initially, in my opinion, yes. And  
10 secondly, what happened is that Cho, Park, myself and  
11 T.J., were longtime friends, but not Mr. Kang. And,  
12 therefore, there was a discrimination against him.

13          Q       The discrimination was because he was not  
14 friends with Mr. Yoon?

15          A       Yes. The fact that he was not a longtime  
16 friend.

17          Q       At any time after Mr. Kang was no longer  
18 employed by U. Lim -- so, in other words, after February  
19 1998 -- did you have discussions with anyone at U. Lim  
20 concerning Mr. Kang's employment?

21          MR. GREY: I'm going to object. That question is  
22 overbroad?

23          THE WITNESS: Yes, but nothing in particular.  
24 Like the future of his employment, no.

25          Q       BY MRS. MULKEY: Did you ever have

1 discussions with anyone at U. Lim concerning Mr. Kang's  
2 lawsuit against the company?

3 A Me?

4 Q Yes.

5 A No.

6 Q Were you ever present during conversations  
7 between individuals at U. Lim concerning Mr. Kang's  
8 lawsuit?

9 A Yes.

10 Q Could you tell me what you recall from that  
11 discussion?

12 A Initially, we had a meeting regarding the  
13 lawsuit filed with Cho, Park, Y.S. Youn, and Kihwa Yoon.  
14 That's the boss.

15 Q Okay.

16 A So we all got together in the meeting room  
17 to find out what happened. So we talked about it.

18 Q Do you remember what you discussed?

19 A I don't recall all the discussion, but I  
20 remember one thing. Kihwa Yoon asked a question regarding  
21 an incident where Mr. Kang threw a battery to Mr. Cho. He  
22 said, "Who had seen that?" After Mr. Kang left,  
23 Y.S. Youn, the second son, started working there. And  
24 Kihwa Yoon asked his second son, Y.S. Youn, whether or not  
25 his second son had seen Mr. Kang throw a battery to Mr.

1 Cho. Y.S. Youn could not have seen it, because at that  
2 time Y.S. Youn was not working at the company. Then Y.S.  
3 Youn replied, "Sir, I did not see." And Kihwa Yoon told  
4 his son, "Listen, tell you saw it. Regardless of amount  
5 of lawsuit, whether \$100,000 or a million dollars, do not  
6 leave Mr. Kang alone." With an exception of that, "He is  
7 a U.S. citizen; he's not nothing to brag about. That guy  
8 has nothing to show other people."

9 Q Okay. Is there anything else that you  
10 recall from that discussion?

11 A That was when the notice of lawsuit was  
12 received. And then subsequently we had another meeting.  
13 I'm talking about the meeting was subsequent to the  
14 receipt of the letter of law office.

15 Q Okay.

16 A It was a general discussion for the  
17 defense, how U. Lim company will defend for the lawsuit  
18 filed. That was the meeting No. 1, where specific  
19 discussion were made for the defense of the matter.  
20 Subsequently, no formal meetings were called; however,  
21 just casual conversation concerning the lawsuit.

22 Q If you can recall, do you remember what you  
23 discussed in either the formal meeting or any of the  
24 casual meetings regarding this lawsuit?

25 MR. GREY: Other than what he's already indicated.



1 MRS. MULKEY: Sure.

2 THE WITNESS: At that time, another Mr. Kang, by  
3 the name Y-o-o H-y-u-n-g K-a-n-g was on a business trip  
4 there. And the meeting was called to utilize Y.H. Kang,  
5 who was on a business trip, to meet Mr. Kang, the  
6 plaintiff, to --

7 INTERPRETER: Witness used the word "cancel,"  
8 unquote.

9 THE WITNESS: -- the lawsuit. I think the meeting  
10 was materialized.

11 Q BY MRS. MULKEY: I meant to ask this in  
12 the beginning. Are you currently a U.S. citizen?

13 A No.

14 MRS. MULKEY: Okay. That's all I have.

15 MR. GREY: Okay. Good. I'll do the stipulation.

16 Relieve the court reporter of her duty under the  
17 Code. The original transcript will be forwarded to my  
18 office. Mr. Cheong will have 30 days to read and sign,  
19 making corrections that he deems necessary. We will  
20 notify you of those changes within five business days. If  
21 for any reason the original is lost, misplaced, or stolen,  
22 a certified copy can be used instead.

23 DEPOSITION OFFICER: Would you like him to sign  
24 under penalty of perjury?

25 MR. GREY: Yes. So stipulated.

11

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

110 West 'C' Street, Suite 1702, San Diego, CA 92101-3901  
(619) 645-2681 TTY (800) 700-2320 Fax (619) 645-2683



October 20, 1998

Director  
Human Resources/Personnel  
U. LIM AMERICA, INC.  
605 Westview Court  
Chula Vista, CA 91910

RE: E9899D0453-00-c  
KANG/U. LIM AMERICA, INC.

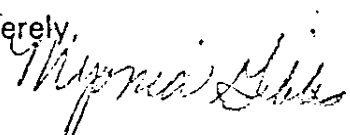
Dear Director:

**NOTICE OF FILING OF DISCRIMINATION COMPLAINT**

Enclosed is a copy of a complaint that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with California Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962.

Complainant has requested an authorization to file a lawsuit. As it is unlikely that DFEH would complete an investigation prior to 150 days from the date of this complaint filing, at which time an authorization to file a lawsuit could be requested, this complaint is being closed immediately based on the complainant's 'Election of Court Action.' A copy of the closing letter is enclosed for your records.

NO RESPONSE FROM YOU TO THE DFEH IS REQUIRED.

Sincerely,  
  
Myonia Gibbs  
District Administrator

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

## \* EMPLOYMENT \* \*

COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E9899-D-0453-01C

DFEH USE ONLY

## CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

JR NAME (indicate Mr. or Ms.)

Mr. Soo Cheol Kang

ADDRESS

910 South Euclid Avenue, #98

TELEPHONE NUMBER (Include Area Code)

(619) 475-8797

CITY/STATE/ZIP

National City, California 91950

COUNTY

San Diego County

COUNTY CODE

NAME OF THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP  
COMMITTEE, OR STATE/LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

Tae Jin Yoon

TELEPHONE NUMBER (Include Area Code)

(619) 476-7071

ADDRESS

605 Westview Court

DFEH USE ONLY

CITY/STATE/ZIP

Chula Vista, California 91910

COUNTY

San Diego County

COUNTY CODE

NUMBER OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) February 2, 1998

RESPONDENT CODE

THE PARTICULARS ARE:

On 2/2/98 (date of harm), I was ☒ fired ☐ denied employment ☐ denied family or medical leave  
☐ laid off ☐ denied promotion ☐ denied pregnancy leave  
☐ demoted ☐ denied transfer ☐ denied equal pay  
☐ harassed ☐ denied accommodation ☐ denied right to wear pants  
☐ forced to quit ☐ other (specify) \_\_\_\_\_

Name of Person

Tae Jin Yoon

Job Title (supervisor/manager/personnel director/etc.)

Because of my: ☐ sex ☐ race/color ☐ physical disability ☐ (Circle one) filing;  
☐ age ☒ national origin/ancestry ☐ mental disability ☐ protesting; participating in  
☐ family ☐ marital status ☐ medical condition ☐ investigation (retaliation for)  
☐ religion ☐ association ☐ other (specify) \_\_\_\_\_

The reason given by Tae Jin Yoon

Name of Person and Job Title

as because of refusal to work in excess of 100 hours every week. The aforesaid  
 please state as well as refusal to work in hostile environment of physical and  
 that you believe verbal abuse which employer expected me to tolerate because of  
 to be reason(s)] our shared South Korean heritage.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue notice. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure", or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action".

I declare under penalty perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as matters stated on my information and belief, and as to those matters I believe it to be true.

Signed 9-23-99

COMPLAINANT'S SIGNATURE

City

DATE FILED:

1999



STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

PITTSBURGH, Pa 15201

## DEPARTMENT OF FAIR EMPLOYMENT &amp; HOUSING

111 West 10th Street, Suite 1702, San Diego, CA 92101-3921  
(619) 645-2681 TTY (KIRK) 708-2120 Fax (619) 645-2683

October 20, 1998

SOO CHEOL KANG  
910 South Euclid Ave. #88  
National City, CA 91950RE: E9899DO463-00-c  
KANG U. LIM AMERICA, INC.

Dear Mr. KANG:

## NOTICE OF CASE CLOSURE

This letter informs you that the above-referenced complaint that you filed with the Department of Fair Employment and Housing (DFEH) has been closed effective October 15, 1998 because you requested an immediate right-to-sue notice. DFEH will take no further action on your complaint.

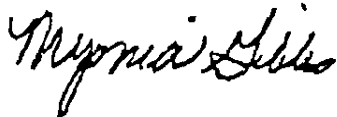
This letter is also your Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If you want a federal notice of Right-To-Sue, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

Notice of Case Closure  
Page Two

The Department of Fair Employment and Housing does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,



Myonia Gibbs  
District Administrator

cc: Case File

Director  
Human Resources/Personnel  
U. LIM AMERICA, INC.  
605 Westview Court  
Chula Vista, CA 91910





## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. Ki Hwa Yoon  
Owner  
U. Lim America, Inc.  
605 Westview Court  
Chula Vista, CA 91910

FILING CHARGE

Kang, Soo Cheol

THIS PERSON (check one)

☒ CLAIMS TO BE AGGRIEVED☐ IS FILING ON BEHALF OF ANOTHER

DATE OF ALLEGED VIOLATION

Earliest

Most Recent

04/15/1994

02/03/1998

PLACE OF ALLEGED VIOLATION

Chula Vista, CA

CHARGE NUMBER

345990110

## NOTICE OF CHARGE OF DISCRIMINATION

(See EEOC "Rules and Regulations" before completing this Form)

You are hereby notified that a charge of employment discrimination has been filed against your organization under:

☒ TITLE VII OF THE CIVIL RIGHTS ACT OF 1964☐ THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967☐ THE AMERICANS WITH DISABILITIES ACT☐ THE EQUAL PAY ACT (29 U.S.C. SECT. 206(d)) investigation will be conducted concurrently with our investigation of this charge.

The boxes checked below apply to your organization:

1. ☒ No action is required on your part at this time.

2. ☐ Please submit by \_\_\_\_\_ a statement of your position with respect to the allegation(s) contained in this charge, with copies of any supporting documentation. This material will be made a part of the file and will be considered at the time that we investigate this charge. Your prompt response to this request will make it easier to conduct and conclude our investigation of this charge.

3. ☐ Please respond fully by \_\_\_\_\_ to the attached request for information which pertains to the allegations contained in this charge. Such information will be made a part of the file and will be considered by the Commission during the course of its investigation of the charge.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

San Diego Area Office  
401 B Street, Suite 1550  
San Diego, CA 92101

Steven E. Aronberg  
(Commission Representative)

(619) 557-7235  
(Telephone Number)

☒ Enclosure: Copy of Charge

## BASIS OF DISCRIMINATION

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NAT. ORIGIN ☐ AGE ☐ DISABILITY ☐ RETALIATION ☐ OTHER

## CIRCUMSTANCES OF ALLEGED VIOLATION

See enclosed Form 5, Charge of Discrimination.


DATE

TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL

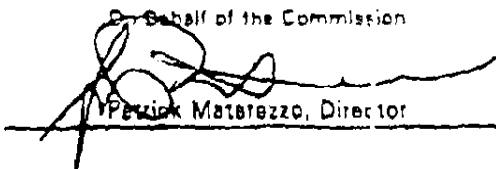
SIGNATURE

11/13/1998

Patrick Matarazzo

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	345990110
<u>CA DEPT OF FAIR EMPLOYMENT/HOUSING</u> <i>State or local Agency, if any</i>		and EEOC	
NAME (Indicate Mr., Ms., Mrs.) <b>Mr. Soo Cheol Kang</b>		HOME TELEPHONE (Include Area Code) <b>(619) 475-8797</b>	
STREET ADDRESS <b>910 S. Euclid Avenue, #98, National City, CA 91950</b>	CITY, STATE AND ZIP CODE		DATE OF BIRTH <b>10/29/1966</b>
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME <b>U. Lim America, Inc.</b>	NUMBER OF EMPLOYEES, MEMBERS <b>Cat A (15-100)</b>	TELEPHONE (Include Area Code) <b>(619) 476-7071</b>	
STREET ADDRESS <b>605 Westview Court, Chula Vista, CA 91910</b>	CITY, STATE AND ZIP CODE		COUNTY <b>073</b>
NAME	TELEPHONE NUMBER (Include Area Code)		
STREET ADDRESS	CITY, STATE AND ZIP CODE		COUNTY
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		EARLIEST    LATEST <b>04/15/1994    02/03/1998</b> <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
<p>Ia. I was initially employed by U. Lim America, Inc. on or about April 15, 1994, and I was last employed as a Purchasing Manager. Throughout my employment, I was subjected to both physical and verbal harassment from Tae Jin Yoon, Vice President. Although I complained to Jae Ho Cho, General Manager, about the harassment, no action was taken and that harassment persisted.</p> <p>b. On February 2, 1998, I was informed by Mr. Yoon that I was being discharged from my position because I had failed to follow the company rules about working mandatory overtime.</p> <p>II. I believe I have been discriminated against, harassed, and discharged because of my national origin, Korean, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
<input type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
SIGNATURE OF COMPLAINANT		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE	
		(Day, month, and year)	



<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION</b> <b>NOTICE OF RIGHT TO SUE</b> <i>(Issued on request)</i>		
<b>To:</b> Soo Cheol Kang 910 S. Euclid Avenue, #98 National City, CA 91950  <input type="checkbox"/> <i>On behalf of a person aggrieved whose identity is CONFIDENTIAL</i> <i>(29 C.F.R. 1601.7(a))</i>	<b>From:</b> Equal Employment Opportunity Commission San Diego Area Office 401 "B" Street, Suite 1550 San Diego, CA 92101	
<b>Charge Number</b> 345990110	<b>EEOC Representative</b> Legal Officer of the Day	<b>Telephone Number</b> (213) 894-1000
<i>( See the additional information attached to this form )</i>		
<b>TO THE PERSON AGGRIEVED:</b> This is your NOTICE OF RIGHT TO SUE. It is issued at your request. If you intend to sue the respondent(s) named in your charge, YOU MUST DO SO WITHIN NINETY (90) DAYS OF YOUR RECEIPT OF THIS NOTICE. OTHERWISE YOUR RIGHT TO SUE IS LOST.		
<input type="checkbox"/> More than 180 days have expired since the filing of this charge.		
<input checked="" type="checkbox"/> Less than 180 days have expired since the filing of this charge, but I have determined that the Commission will be unable to complete its process within 180 days from the filing of the charge.		
<input checked="" type="checkbox"/> With the issuance of this NOTICE OF RIGHT TO SUE, the Commission is terminating its process with respect to this charge.		
<input type="checkbox"/> It has been determined that the Commission will continue to investigate your charge.		
<input type="checkbox"/> ADEA: While Title VII and the ADA require EEOC to issue this notice of right to sue before you can bring a lawsuit, lawsuit you may sue under the Age Discrimination in Employment Act (ADEA) any time 60 days after your charge.		
<input type="checkbox"/> Because EEOC is closing your case, your lawsuit under the ADEA must be brought within 90 days of your receipt of this notice. Otherwise, your right to sue is lost.		
<input type="checkbox"/> EEOC is continuing its investigation. You will be notified when we have completed action and, if appropriate, our notice will include notice of right to sue under the ADEA.		
<input type="checkbox"/> EPA: While Title VII and the ADA require EEOC to issue this Notice of Right to Sue before you can bring a lawsuit, lawsuit you already have the right to sue under the Equal Pay Act (EPA) (You are not required to complain to any enforcement agency before bringing an EPA suit in court). EPA suits must be brought within 2 years (3 years for willful violations) of the alleged EPA underpayment.		
I certify that this notice was mailed on the date set out below.		
<div style="text-align: center;"> <u>11/20/98</u>            (Date Mailed)         </div>	<div style="text-align: center;">             Patrick Matorezzo, Director         </div>	
<b>Enclosures</b> Information Sheet Copy of Charge		
<b>cc: Respondents</b>		

Ex. 7



**\* \* EMPLOYMENT \* \***

COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E9899-D-0453-01C

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NAME (Indicate Mr. or Ms.) <u>Mr. Soo Cheol Kang</u>		TELEPHONE NUMBER (Include Area Code) <u>(619) 475-8797</u>
ADDRESS <u>910 South Euclid Avenue, #98</u>		
CITY/STATE/ZIP <u>National City, California 91950</u>	COUNTY <u>San Diego County</u>	COUNTY CODE
NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE/LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:		
NAME <u>Tae Jin Yoon</u>		TELEPHONE NUMBER (Include Area Code) <u>(619) 476-7971</u>
ADDRESS <u>605 Westview Court</u>		DFEH USE ONLY
CITY/STATE/ZIP <u>Chula Vista, California 91910</u>	COUNTY <u>San Diego County</u>	COUNTY CODE
NUMBER OF EMPLOYEES/MEMBERS (if known)	DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, and year) <u>February 2, 1998</u>	RESPONDENT CODE

**THE PARTICULARS ARE:**

I was 2/2/98 (date of harm). I was ☒ fired ☐ denied employment ☐ denied family or medical leave  
☐ laid off ☐ denied promotion ☐ denied pregnancy leave  
☐ demoted ☐ denied transfer ☐ denied equal pay  
☐ harassed ☐ denied accommodation ☐ denied right to wear pants  
☐ forced to quit ☐ other (specify)

Name of Person Tae Jin Yoon Job Title (supervisor/manager/personnel director/etc.)  
 Because of my: ☐ sex ☐ race/color ☐ physical disability ☐ (Circle one) filling;  
☐ age ☒ national origin/ancestry ☐ mental disability ☐ protesting; participating in  
☐ family ☐ marital status ☐ medical condition ☐ investigation (retaliation for)  
☐ religion ☐ association ☐ other (specify)

The reason given by Tae Jin Yoon Name of Person and Job Title

is because of refusal to work in excess of 100 hours every week. The afore-  
 please state as well as refusal to work in hostile environment of physical and  
 that you believe verbal abuse which employer expected me to tolerate because of  
 to be reason(s)] our shared South Korean heritage.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue notice. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure", or within 300 days of the alleged discriminatory act, whichever is later.


I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Exhausted Elected Court Action".

I declare under penalty perjury under the laws of the State of California that the foregoing is true and correct to my own knowledge, except as matters stated on my information and belief, and as to those matters I believe to be true.

Signature Soo Cheol Kang Date 9-23-99  
 City \_\_\_\_\_ COMPLAINTANT'S SIGNATURE  
 DATE FILED \_\_\_\_\_





CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	345990110
<u>CA DEPT OF FAIR EMPLOYMENT/HOUSING</u> <i>State or local Agency, if any</i>		and EEOC	
NAME (Indicate Mr., Ms., Mrs.) <b>Mr. Soo Cheol Kang</b>		HOME TELEPHONE (Include Area Code) <b>(619) 475-8797</b>	
STREET ADDRESS <b>910 S. Euclid Avenue, #98, National City, CA 91950</b>		CITY, STATE AND ZIP CODE <b>CA 91950</b>	
DATE OF BIRTH <b>10/29/1966</b>			
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME <b>U. Lim America, Inc.</b>		NUMBER OF EMPLOYEES, MEMBERS <b>Cat A (15-100)</b>	TELEPHONE (Include Area Code) <b>(619) 476-7071</b>
STREET ADDRESS <b>605 Westview Court, Chula Vista, CA 91910</b>		CITY, STATE AND ZIP CODE <b>CA 91910</b>	
COUNTY <b>073</b>			
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	
COUNTY			
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIEST                      LATEST	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		<b>04/15/1994      02/03/1998</b> <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
<p>Ia. I was initially employed by U. Lim America, Inc. on or about April 15, 1994, and I was last employed as a Purchasing Manager. Throughout my employment, I was subjected to both physical and verbal harassment from Tae Jin Yoon, Vice President. Although I complained to Jae Ho Cho, General Manager, about the harassment, no action was taken and that harassment persisted.</p> <p>b. On February 2, 1998, I was informed by Mr. Yoon that I was being discharged from my position because I had failed to follow the company rules about working mandatory overtime.</p> <p>II. I believe I have been discriminated against, harassed, and discharged because of my national origin, Korean, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
<input type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date <b>11-13-98</b>  Charging Party (Signature)		SIGNATURE OF COMPLAINANT	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

**SENDER:**

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back, if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *Guilford Freeman*

4a. Article Number: *2454 748343*

4b. Service Type:

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☐ Certified

☐ Insured

☐ COD

7. Date of Delivery: *11/13/99*

5. Received By: (Print Name) *W. Lynn Brumfield, One 605 Westview Court Citrus Vista, CA 91410*

6. Signature: (Addressee or Agent) *W. Lynn Brumfield*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Thank you for using Return Receipt Service.

**US Postal Service**

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail. See reverse.

Sent to: *Guilford Freeman*

Article Number: *2454 748343*

Post Office, State, & ZIP Code

Postage: *5*

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered

Return Receipt Showing to Whom Date & Addressee's Address

TOTAL Postage & Fees: *5*

Postmark or Date: *11-3-99*

PS Form 3800, April 1995